



Statutory Licensing Sub-Committee

Date Tuesday 25 April 2017
Time 10.00 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meetings held on 20 December 2016, and 20 January, 25 January and 14 February 2017 (Pages 3 - 28)
5. Application for the Grant of a Premises Licence - The Distillery, 1-2 Red Rose Terrace, Chester-le-Street (Pages 29 - 136)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Clare Pattinson

Interim Head of Legal and Democratic Services

County Hall
Durham
12 April 2017

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

Councillors C Carr, B Graham, J Hart, I Jewell and B Kellett

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Tuesday 20 December 2016 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors I Jewell, B Kellett and P May

Also Present:

K Robson – Senior Licensing Officer

K Coulson-Patel – Solicitor, DCC

McColls, Evenwood

Mr B Holland – Applicant's representative

Mr M Johnson – Area Manager and DPS

Bridge End Garage, Howden-le-Wear

Mr Saggu – Applicant's representative

Mr T Middleton – Operations Manager

1 Apologies for Absence

Apologies for absence were received from Councillors J Lee and A Hopgood.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meetings held on 29 July, 16 August, 6 September and 4 October 2016 were agreed as a correct record and were signed by the Chairman.

5 Application for the Grant of a Premises Licence - Next Door, 67 Saddler Street, Durham

Members:

Councillor C Carr (Chair)

Councillors I Jewell and B Kellett

The Committee considered a report of the Corporate Director Adult and Health Services regarding an application for the grant of a Premises Licence in respect of Next Door, 67 Saddler Street, Durham (for copy see file of Minutes).

A copy of the application and supporting documents had been circulated to Members. The Senior Licensing Officer advised that since the report had been circulated conditions had been agreed by mediation between the Applicant and the objectors, a copy of which had been provided to the Sub-Committee. The applicant and objectors were not in attendance.

In considering the mediation the Chairman sought clarification with regard to additional condition 8, and the capacity and dimensions of the building. Members therefore requested that consideration of the application be deferred.

Resolved:

That the application be deferred.

6 Application for the Variation of a Premises Licence - McColls, 1-2 Shirley Terrace, Evenwood, Bishop Auckland

Members:

Councillor C Carr (Chair)
Councillors B Kellett and P May

The Committee considered a report of the Corporate Director Adult and Health Services regarding an application to vary the Premises Licence in respect of McColls, 1-2 Shirley Terrace, Evenwood (for copy see file of Minutes).

A copy of the application and supporting documents had been circulated to Members. The Senior Licensing Officer advised that the application was for off sales only.

In response to a question from the Chairman, the Senior Licensing Officer confirmed that the Police had been consulted on the application as a Responsible Authority and had not made representation.

B Holland addressed the Sub-Committee on behalf of the applicant Martin McColl Ltd. He explained that the company was one of the largest convenience store operators in the UK, with over 950 licensed premises, the majority of which were licensed to sell alcohol between the hours of 06:00 and 23:00. The Group had grown and between 50 and 60 new stores were now opening every year. The premises at Evenwood had been acquired from the previous owner a few weeks earlier and therefore the problems referred to in the representations received from other persons were likely to relate to the former operator.

McColls was a newsagent chain, hence the early opening hours. Arrangements had been made with suppliers for deliveries to be made after 7am and discussions had taken place with a Senior Environmental Health Officer in relation to noise.

The application was for the sale of alcohol from 06:00 and this was to allow customers such as shift workers, who shopped at different hours, to purchase alcohol with their newspapers. Apart from spirits which were located behind the counter, alcohol was displayed on open shelving within the store and it would be difficult to conceal or prevent selection if the premises were not licensed from the opening hour.

Mr Holland referred to the comments made by the Parish Council at page 99 in the report that the current licensing hours were incorrect, and stated that these had been quoted from the previous licence.

Mr Holland addressed the concerns made by objectors. Traffic issues were not matters for the Licensing Sub-Committee, however notwithstanding this, McColls were experienced with dealing with concerns of this nature. Any problems associated with noise and youths congregating outside the premises would be taken seriously as they wished to maintain a good relationship with neighbours. Mr Holland noted the comments of Mr and Mrs Smith who were not in attendance, but was of the view that their concerns related to the previous management of the premises.

Addressing the licensing objectives 'Prevention of Crime and Disorder' and 'Prevention of Public Nuisance' Mr Holland referred Members to the proposed conditions in the operating schedule relating to the CCTV system, Challenge 25 and staff training. Environmental Health had not requested that additional conditions be placed on the Premises Licence. He also made the point that the Police had not made representation.

In conclusion Mr Holland stated that the applicant sought to have the seasonal restrictions in relation to Christmas Day and Good Friday removed.

In response to a question from Councillor Carr about the floor area designated for the sale of alcohol, Mr Holland explained the layout of the shop floor and agreed to supply a plan showing exact dimensions.

Councillor Carr noted that CCTV would not be accessed immediately on request and was informed that there may not be a member of staff on the premises at the time of request to download the images. However arrangements would be made for a person qualified to operate the CCTV system to attend as soon as practically possible. Following a request for clarification from Solicitor K Coulson-Patel, Mr Johnson the Area Manager confirmed that images could be viewed immediately on request and the system had the capacity to take screen shots. The Solicitor asked if the location of the CCTV cameras could be included in the plan of the shop layout to be provided by the applicant.

Following a further comment from Councillor Carr, Mr Holland confirmed that the applicant would ensure that an incident book was completed by all staff.

In response to a question from Councillor May, the Sub-Committee was informed that there was one other store 600m away.

Councillor Jewell asked about the CCTV system and the size of delivery vehicles, and was informed that there was one camera located to the front of the premises with between eight and twelve positioned inside. Mr Johnson explained that they did not have any control over the size of delivery vehicles.

Councillor Carr suggested that an additional CCTV camera be placed at the rear of the premises where deliveries were made which may allay the concerns of residents about the congregation of youths, and also the potential for underage sales by proxy.

Councillor Carr invited all parties to sum up. There were no further comments and the Sub-Committee retired to deliberate the application in private at 10.45am.

After re-convening at 11.05am the Chairman delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Senior Licensing Officer, the verbal and written representations of the applicant's representatives and the written representations of other persons. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the application to vary the Premises Licence be granted as follows:-

Activity	Days & Hours requested
Sale of Alcohol (off sales)	Monday to Sunday 06:00 to 23:00 hours
	Christmas Day 09:30 to 15:00 hours

The Sub-Committee considered the conditions suggested within the Operating Schedule of the application and believed it was necessary and proportionate to impose the following conditions upon the licence as detailed in the Applicants application for variation and those offered to the Sub-Committee as follows:

General - all four licensing objectives

- a) The premises will be managed in line with the four licensing objectives and government legislation.
- b) All spirits and high value alcohol will be located behind the serving counter and out of reach of customers.

The prevention of crime and disorder

- c) The CCTV system will be in operation at the premises and recorded images shall be retained for a period of 28 days.

- d) Cameras shall encompass the inside and outside of all entrances and exits to the premises and rear yards, fire exits and all areas where the sale/supply of alcohol occurs.
- e) The data controller will make available when requested to do so by the Police or an authorised officer of the Council (in line with the Data Protection Act 1998), downloads of the CCTV footage immediately and where not immediately within 48 hours of the request.

Protection of Children from Harm

- f) Staff will be trained before making sales of alcohol in their responsibilities under the Licensing Act 2003. This includes the prevention of underage sales, the 'Challenge 25' policy, proxy sales, acceptable ID and intoxicated customers. Training will be documented and made available to the Police and authorised officers of the Council upon reasonable request. Refresher training will take place at least every six months.
- g) A register of refusals of alcohol, and of incidents occurring on the premises, will be maintained at the premises. The register shall be examined on a regular basis by the duty manager/DPS. The register will be made available for inspection by the Police and other authorised officers of the Council upon reasonable request within 48 hours.
- h) The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25 they will be asked for proof of their age, to prove that they are 18 years or older.
- i) Posters will be on display advising customers of the 'Challenge 25' policy.
- j) The only forms of identification that will be accepted at the premises are passport, photo-card driving licences and cards bearing the 'PASS' hologram.
- k) A till prompt system will be in operation at the store and used for the refusal of all age restricted products.

7 Application to Vary a Premises Licence - Bridge End Garage, Bridge Street, Howden-le-Wear, Crook

Members:

Councillor C Carr (Chairman)
Councillors I Jewell and P May

The Committee considered a report of the Corporate Director Adult and Health Services regarding an application to vary a Premises Licence in respect of Bridge End Garage, Bridge Street, Howden-le-Wear (for copy see file of Minutes).

A copy of the application and supporting documents had been circulated to Members, together with additional information provided by the applicant. Members were also provided with a larger scale plan of the floor area of the premises.

In response to a question from Councillor Carr, the Senior Licensing Officer confirmed that the Police had been consulted on the application as a Responsible Authority and had not made representation.

Mr Saggi addressed the Sub-Committee on behalf of the applicant. He explained that Bridge End Garage already had a Premises Licence and the applicant wished to extend the operating hours in response to business needs. KSC Worldwide Ltd had four other sites which traded 24 hours and was therefore experienced in managing premises of this nature, adhering to statutory guidelines and best practice. The applicants prided themselves on staff training which was reviewed regularly. He felt that KSC Worldwide had a robust and responsible approach to their existing licence.

In response to questions from Councillor Carr, Mr Saggi advised that the areas where alcohol was stored would be secure and the doors would be closed from 10pm each night; sales would be made through a night serving hatch after this time. The front of the store would be lit and the only lighting to the rear of the store would be from the chilled cabinets. There were four cameras located in the shop and an additional camera would be located in front of the night hatch. Cameras were also installed on the forecourt. Councillor Carr asked that the cameras be marked on the site plan.

Currently CCTV footage was retained for 16 days but this would be extended to 28 days. All staff were trained in the operation of the CCTV system and to download the data onto disc.

Incident books were kept at all sites and an example had been submitted with the additional information provided. Councillor Carr noted that only refusals were recorded and asked that staff be asked to record incidents as well. Mr Saggi agreed to take this on board.

In response to a question from Councillor Jewell about training, Mr Middleton, the Operations Manager outlined the 'buddy programme' for new staff. Councillor Jewell referred to the sample training questionnaires used by the company which he felt were superficial and not robust enough to test an employee's knowledge and understanding. This view was shared by Councillor Kellett. Mr Middleton explained that the questionnaires were devised by a professional who trained Designated Premises Supervisors but welcomed the advice of the Sub-Committee as they were seeking to continue to improve and employ best practice.

Following further questions from Councillor Carr, the Member was informed that alcohol would not be sold after 10pm until the hatch was fitted, and there had been no incidents previously before 10pm. Representations had inferred that there had been incidents with regard to the sale of alcohol but Mr Saggi advised that he was not aware of any related to the garage which had not been contacted by any authorities, including the Police in this regard.

Councillor Carr asked for the proportion of alcohol sales against fuel and food. Mr Middleton explained that this depended upon the site location. At present alcohol represented 15% of the total sales across all stores but he could not provide the information specifically for Bridge End Garage until the store extended its hours of operation. Foodstuffs would also be on sale 24 hours.

Councillor Jewell noted that this was a change to operations in a rural location and asked if a feasibility study had been carried out. Mr Saggu confirmed that a formal study had not been undertaken but their decision to make application to vary the Premises Licence had been based on anecdotal discussions with customers and on there being no other facilities in the local area that offered a 24 hour service.

In summary Mr Saggu stated that as a business KSC Worldwide had always tried to operate responsibly and sensibly within the licensing legislation. There were challenges for all forecourt operators and if granted the variation to the Premises Licence would extend what was already offered. He assured the Sub-Committee that the business would be managed responsibly to minimise the impact on neighbours and the local community. The garage was proud to be part of the community and were willing to accept conditions proposed by the Sub-Committee.

At 11.55am the Sub-Committee retired to deliberate the application in private. After re-convening at 12.10pm the Chairman delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Senior Licensing Officer, the verbal and written representations of the applicant's representatives, and the written representations of other persons. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the application to vary the Premises Licence be granted as follows:-

Activity	Days & Hours requested
Sale of Alcohol (off the premises)	Monday to Sunday: 00:00 – 24:00hrs

The Sub-Committee considered the existing conditions and the suggested conditions. The Sub-Committee believed it was necessary and proportionate to impose the following conditions upon the licence:

General - all four licensing objectives

- a) The premises will be managed in line with the four licensing objectives and government legislation.

The prevention of crime and disorder

- b) The CCTV system will be in operation at the premises and recorded images shall be retained for a period of 28 days.

- c) Cameras shall encompass the inside and outside of all entrances and exits to the premises and rear yards, fire exits and all areas where the sale/supply of alcohol occurs.
- d) The data controller will make available when requested to do so by the police or an authorised officer of the Council (in line with the Data Protection Act 1998), downloads of the CCTV footage immediately and where not immediately within 24 hours of the request.
- e) A register of refusals of alcohol, and of incidents occurring on the premises, will be maintained at the premises. The register shall be examined on a regular basis by the duty manager/DPS. The register will be made available for inspection by the Police and other authorised officers of the Council upon reasonable request.

Public safety

- f) Between the hours of 22:00hrs and 06:30hrs the premises will be closed to the public and all sales will take place via the serving hatch.

The prevention of public nuisance

- g) A notice will be on display asking customers to respect the neighbours when leaving the premises.

The protection of children from harm

- h) The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25 they will be asked for proof of their age, to prove that they are 18 years or older.
- i) Posters will be on display advising customers of the 'Challenge 25' policy.
- j) The only forms of identification that will be accepted at the premises are passport, photo-card driving licences and cards bearing the 'PASS' hologram.
- k) Staff will be trained before making sales of alcohol in their responsibilities under the Licensing Act 2003. This includes the prevention of underage sales, the 'Challenge 25' policy, proxy sales, acceptable ID and intoxicated customers. Training will be documented and made available to the Police and authorised officers of the Council upon reasonable request. Refresher training will take place at least every 12 months.
- l) A till prompt system will be in operation at the store and used for the refusal of all age restricted products.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 1B, County Hall, Durham on **Friday 20 January 2017 at 11.30 am**

Present:

Councillor B Kellett (Chairman)

Members of the Committee:

Councillors C Hampson and P May

Also Present:

H Johnson – Licensing Team Leader

S Buston – Solicitor (Litigation) DCC

Inspector R Stockdale – Durham Constabulary

Sgt C Dickinson – Durham Constabulary

1 Declarations of Interest

There were no declarations of interest.

2 Application for Summary Licence Review - The Bridge Inn, 1 Gordon Lane, Ramshaw, Bishop Auckland

Consideration was given to an application received from Durham Constabulary for interim steps to be taken prior to a review hearing in relation to the premises licence for The Bridge Inn, Ramshaw, Bishop Auckland (for copy see file of Minutes).

The Licensing Team Leader advised that the Licensing Authority had received a summary licence review application under Section 53A of the Licensing Act 2003 from Durham Constabulary on the afternoon of 18 January 2017 in respect of the Bridge Inn, Ramshaw. In accordance with the provisions of the Act the application must be considered within 48 hours of receipt.

The Licensing Team Leader informed Members of the interim steps the Sub-Committee could consider in accordance with the legislation, and a full hearing would be required within 28 days (by 15 February 2017). A Notice and the Certificate submitted by Durham Constabulary had been served through the post box at the premises as the premises were closed, and a number of attempts had been made to contact the Premises Licence Holder (PLH) without success.

Inspector R Stockdale and Sgt C Dickinson were in attendance to give evidence on behalf of Durham Constabulary. Members were informed that on 16 January 2016 the injured party had attended the premises to collect wages owed to him from before Christmas. The injured party alleged that the PLH had declined to pay and

therefore the injured party had stated that he would no longer work at the premises. At this point the Designated Premises Supervisor (DPS) allegedly punched the injured party to the side of the face. It was alleged that the PLH had a metal bar and the injured party was chased to his car.

The injured party immediately drove to the local Police Station to report the incident and sought medical help. Three people had been arrested and two were currently on Police bail. The DPS was suspected of assault and the PLH of affray.

Following a request for clarification from the Solicitor, Inspector Stockdale confirmed that the Police sought immediate suspension of the Premises Licence and the removal of the DPS as this was a very serious allegation. The actions were in contravention of the crime and disorder objective.

Following a question from Councillor Kellett, the Member was informed that medical evidence may be presented at the full review hearing.

At 11.40am the Sub-Committee retired to deliberate the application in private. After re-convening at 11.50am the Chairman delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the application and certificate submitted by Durham Constabulary, and the verbal representations of the Police Officers.

Resolved:

That the Premises Licence be suspended with immediate effect and the DPS be removed from the Licence.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Farnham Room 1/52-54, County Hall, Durham on **Wednesday 25 January 2017 at 9.45 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors B Graham, C Hampson and J Maitland

Also Present:

C Pattinson (Council's Legal Officer)

1 Apologies for Absence

There were no apologies for absence.

2 Declarations of Interest

There were no declarations of interest.

3 Application for Summary Licence Review - The Bridge Inn, Ramshaw, Bishop Auckland

The Legal Officer informed Members that a Sub-Committee met on Friday 20 January 2017 to consider a summary licence review application by Durham Constabulary under Section 53A of the Licensing Act 2003. Members determined that it was appropriate to put in place interim steps in relation to the Premises. They therefore suspended the premises licence and removed the Designated Premises Supervisor.

On 23 January 2017 at 10.10 am the Premises Licence holder exercised their right to request a review of the interim steps imposed by the Sub-Committee on 20 January 2017. When such an application is received, the licensing authority is under a statutory obligation to undertake the review within 48 hours of receiving the request.

Although the Sub-Committee had been convened within the statutory timescale, it had not been possible to secure the attendance of all relevant parties. As the hearing could not proceed in the absence of the parties, members were requested to consider adjourning the hearing until 13.00, when all parties would be in attendance.

Resolved:

That the hearing be adjourned until 13.00 hours on 25 January 2017.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Wednesday 25 January 2017 at 1.00 pm**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors B Graham, C Hampson and J Maitland

Also Present:

G Proud (Council's Solicitor)

H Johnson (Licensing Team Leader)

K Coulson-Patel (Observer)

Sgt C Dickenson (Durham Constabulary)

Insp R Stockdale (Durham Constabulary)

Mr J Cunningham (Senior) (Premises Licence Holder) - The Bridge Inn

Mr J Cunningham (Junior) (Designated Premises Supervisor) - The Bridge Inn

Mr B Cunningham (Son) – The Bridge Inn

L Griffiths (Representing the Applicant) – The Bridge Inn

N Smith (Solicitor – Squire Patton & Bogg) – One Stop

G Anderson (Area Manager) – One Stop

S Marklew (Trading Law Manager) – One Stop

Mr and Mrs McDermott (Other Persons) – One Stop

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for Summary Licence Review - The Bridge Inn, Ramshaw. Bishop Auckland

Members:

Councillor C Carr (Chair)

Councillors B Graham and J Maitland

All parties were advised that with the agreement of the parties, the Sub-Committee had met at 9.45 am on 25 January 2017 to comply with legislation as the licensing authority is required to conduct the review within 48 hours of receiving the representation by the Premises Licence Holder.

The only time the licensing authority could get all parties, members and a suitable venue to hear the application was 1.00 pm which was outside the 48 hour period. Members were assured that the delay of 3 hours should not cause the Premises Licence Holder any prejudice; the Premises Licence Holder had been advised of the meeting and had agreed to the short adjournment; therefore Members unanimously agreed to adjourn the hearing until 1.00 pm and nothing had been discussed.

The Licensing Team Leader informed Members that the Sub-Committee had met on Friday 20 January 2017 to consider a summary licence review application under Section 53A of the Licensing Act 2003 from Durham Constabulary.

A Notice and the Certificate submitted by Durham Constabulary had been served through the post box at the premises as the premises were closed, and a number of attempts had been made to contact the Premises Licence Holder without success.

The Statutory Licensing Sub-Committee went ahead on 20 January 2017 and Members agreed to put in place interim steps which were to suspend the premises licence and remove the Designated Premises Supervisor.

An application from the Premises Licence Holder had been received on Monday 23 January 2017 at 10.10 am to exercise their right to a review of the interim steps.

Members were asked to determine whether to keep the interim steps in place; to modify the conditions of the premises licence or to exclude the sale of alcohol by retail from the scope of the licence. A full hearing would be held on Tuesday 14 February 2017 and consultation with responsible authorities would end on 2 February 2017.

Sgt C Dickenson from Durham Constabulary representing the Applicant indicated that the Police had received a report concerning an incident which resulted in serious injuries. Investigations were still ongoing and they had not made the decision lightly to apply for a review of the premises licence under section 53A of the Licensing Act 2003 for interim steps.

The Chairman sought clarification on the injuries sustained.

The Police responded that the gentleman sustained a fracture to his left jaw. He attended Bishop Auckland hospital then Durham and Sunderland for which he has to return on a weekly basis to assess how the injury is healing. There is a possibility he could need a plate which would cause facial disfigurement. They had asked for medical evidence which they hoped would be available for the meeting on the 14 February 2017.

L Griffiths, speaking on behalf of the Licence Holder had no questions of the Police and stated that there was no evidence.

L Griffiths then went on to say that she had advised Mr Cunningham, the Licence Holder to contact Mr R Arnott of Ward Hadaway Solicitors for legal representation but unfortunately he was not available which was why she was representing Mr Cunningham today.

She advised Members that the advert in the Northern Echo had a damaging effect to the business. She referred to the statement by the Police where it was assumed that they were from the travelling community and associated with the travelling community from Darlington, as they were taken to Darlington police station. They are not gypsies and have lived on the site for the last 16 years.

She reassured everyone that the family had not had a single conviction and that Mr Cunningham was hoping to open up the premises at the weekend so that he could get his business back. L Griffiths was willing to place an advert in the newspaper to try and get his business back and as Mr Arnott stated you are innocent until proven guilty.

They were asking to have their doors open again on Friday for the weekend before any further damage was caused to the business.

Sgt Dickenson advised that the report did not come to Darlington Police office, so there was no links at all to the Darlington travelling community.

L Griffiths responded that they had been taken to Darlington police station and that there had been recent bad publicity about gypsies in Darlington. The Chairman confirmed that they had not seen any press articles.

At this point, Members were provided with a number of documents that the Licence Holder had provided which included a copy of the recent press article about the premises. Members were given time to read the additional documentation.

The Chairman referred to the documentation and indicated that the decision to appoint a legal representative rested with the Licence Holder. Any press articles were from the media and not the Sub-Committee so the appropriate weight would be applied, this would also apply to the references which had not been verified.

L Griffiths indicated that Mr Cunningham Senior and Mr Cunningham Junior both deny all charges. It is a false allegation by an ex member of staff. The police statements indicated that they are guilty but they maintain their innocence. She stated that the statement should not be put to the Sub-Committee unless they are charged or convicted.

The Chairman asked how the injury was sustained and when Mr Cunningham Senior and Mr Cunningham Junior were made aware of the injuries.

L Griffiths responded that the first they knew of the incident was when they were arrested.

Mr Cunningham Junior read out the statement by the Chief Superintendent and stated that this should read alleged and painted them in a very bad light.

The Chairman responded that there would be a full review hearing on the 14 February 2017.

L Griffiths indicated that they were on bail until 10 March 2017 and the full review hearing would be a month before this date.

The Chairman advised that the Licensing Act 2003 stated that the hearing had to be held within 28 days.

Members and Officers discussed the possibility of adjourning the meeting on the 14 February 2017. The Solicitor expressed concerns regarding an adjournment of the review hearing as Section 53A of the Licensing Act 2003 has strict deadlines that must be adhered to. She stated it was not immediately apparent if the Licensing Act 2003 (Hearings) Regulations 2005 provided an opportunity to adjourn the hearing under section 53A of the Licensing Act 2003 but she would confirm this outside of the hearing.

All parties were asked to sum up.

The Licensing Team Leader indicated that this was an interim steps hearing and the options to Members were to maintain the interim steps; modify or add conditions to the licence; exclude a licensable activity from the licence; remove the designated premises supervisor; suspend the licence for a period not exceeding three months.

In summing up, Sgt Dickenson indicated that it was a serious allegation and there was concern for public safety as the behaviour was below what was expected. Three arrests had been made and one released without any action. The other two were on police bail while investigations were ongoing.

L Griffiths indicated that nothing would have changed before the full hearing as Mr Cunningham Senior and Mr Cunningham Junior were out on bail until 10 March 2017.

At 2.00 pm the Sub-Committee retired to deliberate the application in private. After re-convening at 2.10 pm the Chairman delivered the Sub-Committee's decision. In determining the application the Sub-Committee had considered the verbal and written representations of Durham Constabulary and the Licence Holder and Designated Premises Supervisor.

Resolved: That the interim steps remain in place.

L Griffiths asked if Members would consider removing the interim steps if they agreed to put in place a new Designated Premises Supervisor and agreed that the Premises Licence Holder had no involvement in the business.

The Chairman indicated that the Sub-Committee had made their decision.

The Licensing Team Leader advised that they could apply for a further review hearing against the interim steps and that would be heard within 48 hours of receipt.

Sgt C Dickenson and Insp R Stokdale (Durham Constabulary) left the meeting

5 Application for the Grant of a Premises Licence - One Stop, Unit 1, North Road, Catchgate, Co Durham

Members:

Councillor C Carr (Chair)

Councillors B Graham and C Hampson

Consideration was given to the report of the Corporate Director of Adults & Health Services regarding an application for the grant of a Premises Licence in respect of One Stop, Unit 1, North Road, Catchgate, Co. Durham (for copy see file of Minutes).

A copy of the application and supporting documents had been circulated to Members.

Representations from 'other persons' had been received from the McDermott family. A petition had also been received from Catchgate Residents, a copy of which had been circulated with the agenda and Members were asked to attach the appropriate weight to the petition.

The applicant's agent entered into discussions with Durham Constabulary within the consultation period which had resulted in the applicant amending their original application to change the commencement of the sale of alcohol from 06:00 am to 07:00 am Monday to Sunday and include the additional proposed conditions, a copy of which had been circulated with the agenda.

Additional information had been provided by the Applicant's Agent, a copy of which had been circulated to Members and all parties prior to the meeting.

The Chairman sought clarification if the premises intended to open on Christmas Day. The Licensing Team Leader advised Members that they did not intend to open on Christmas Day.

Mr B McDermott, an objector indicated that the premises were located in a residential area and he lived opposite. The liquor licence to 11.00 pm would be detrimental to their lives. There would be headlights shining into their property, noise and problems with youths in the area which had just got under control. Their son currently lived with them who was on call and had to get up early on a morning. Delivery vans would be in and out of the premises all day and evening. They had a caravan that they had to put on the road when hitching up and there was a bus stop just down from the car park entrance and 11.00 pm was too late. The Esso station was away from residential properties and other shops in the area closed at 9.00 pm or 10.00 pm.

Councillor Maitland sought clarification if Mr and Mrs McDermott were concerned about the premises opening until 11.00 pm or the selling of alcohol to this time.

Mr McDermott responded that they were concerned about both, but mostly the alcohol which should be limited to 9.00 pm.

Councillor Graham sought clarification on the location of Mr and Mrs McDermott's property in relation to the premises. Members were advised of the location of their home.

N Smith, the Applicant's Solicitor stated that the application was for the grant of an alcohol licence only. The premises are a retail store and not an off licence and are located in the former R.A.O.B club which had a club certificate for alcohol until 11.30 pm and 12.00 midnight on a Friday and Saturday.

They had agreed to change the start time of the licence to promote the licensing objectives. One Stop are an experienced operator and there was no evidence that the granting of the licence would cause crime and disorder or a public nuisance. There were no representations from the Police who have access to crime statistics. They propose to open 07.00 am to 11.00 pm daily and they were happy for Christmas Day to be excluded. There were a number of additional conditions that had been mediated with the Police and a summary of these could be seen at page 32 of the report.

One Stop was a general store and not an off licence and nine out of ten transactions would not include the sale of alcohol. One Stop Shop operates over 700 stores nationally with robust procedures and measures in place for proxy sales and how they would deal with the congregation of youths was summarised in the circulated statements.

Hartfordshire Council had reviewed the company's policies and had confirmed that they met the licencing objectives.

She referred to the circulated photographs of the premises and indicated that there would be a car park to the front of the premises and deliveries would be to the side of the premises and this was where the bins would also be stored.

She then referred to the plan of the internal layout of the premises showing Members the location of the CCTV cameras which would also be located outside the premises and would be of high definition with a monitor at the door so customers could see that CCTV was in operation. The Manager would also have a monitoring desk for the CCTV cameras.

Planning had granted permission for the retail shop from 7.00 am to 11.00 pm 7 days a week.

The company would be spending £220,000 to fit out the shop and the landlord would also be investing additional money. The lease would be for a 15 year period so it was a long term investment. They were looking to recruit local staff with the

exception of an experienced manager and shift supervisor, there would be 13 staff employed in total from the local area.

Members had been provided with a map which showed the location of other stores in the area which operated from 7.00 am until 11.00 pm and Tesco was open until 12.30 am so alcohol was already available in the area at times in the council's framework policy.

She then referred to the area and that there were 1500 homes and the only representation had been received from the McDermott family. The company participate in the local community where they have stores and have recently made donations and painted a fence in the community.

She referred to the letter from Mr and Mrs McDermott. She stated that the company worked hard to prevent representations and the concerns regarding deliveries and traffic had been considered as part of the planning process. With regards to anti-social behaviour the company would have CCTV installed and the conditions of the licence would include that images be provided on request, staff would monitor the CCTV and proxy sales was part of the written policy.

The Store Manager would work with the police and community support officers and they would ensure that the store looked attractive both internally and externally. They wanted a store that people wanted to come to and was why they had robust measures in place.

With regard to under-age drinking, they would have challenge 25 as a condition of the licence and staff would be trained on induction, and refresher training would be provided as well as signage throughout the store. There would also be a prompt on the electronic tills which would be interactive, rather than just a flash up on the screen. This system would also record challenges and refusals, which would be reviewed by the manager and regional manager.

Mr Anderson, Area Manager for One Stop Stores Limited indicated that he was responsible for two other stores and there had been no problems with these stores.

N Smith referred to the petition on page 26 of the pack and indicated that the DH1 address was some distance from the store and there were numerous names which were similar handwriting from the same address which could be double or triple counting. Their (the company) position was that that there were robust measures in place which would address the concerns, no other representations had been received which would suggest that the store was appropriate for the sale of alcohol and she asked that the licence be granted subject to the agreed conditions.

The Chairman referred to the problems with the tills in Tesco which Durham County Council had raised with Tesco.

N Smith responded that One Stop was separate to Tesco so had different style tills.

The Chairman responded that they had taken on board what the authority required i.e. an incident record and a number of CCTV cameras especially outside the store.

He was not sure about the hours of deliveries and the bottle bins at the side of the premises especially being used after 9.00 pm.

N Smith responded that the bins would not be bottle bins as they were not an off-licence and the bins would solely be used for packaging. With regard to deliveries these would be various times but they would complete a risk assessment to establish the best time for deliveries. Alcohol would be delivered as part of the general delivery which would be 2 or 3 times a week, the only early morning delivery would be the newspapers.

The Chairman asked if deliveries could be between 9.00 am and 9.00 pm if possible.

N Smith responded that their normal practise was not to have deliveries outside the opening hours of the store; it was a store so was different to a public house. The only exception would be the delivery of newspapers and they wouldn't normally have any deliveries after 5.00 pm.

In Summing up, Mr McDermott indicated that he had done the petition himself and nobody signed for anyone else with the exception of 2 elderly people and there were no duplicates in the petition. They had lived in their property for 7 years and there had been no issues with traffic from the club as the car park was only used on a Sunday morning.

N Smith indicated that she had nothing further to add except that no representations had been received from responsible authorities.

At 2.55 pm the Sub-Committee retired to deliberate the application in private. After re-convening at 3.05 pm the Chairman delivered the Sub-Committee's decision. In determining the application the Sub-Committee had considered the report of the Corporate Director of Adults and Health Services and the verbal and written representations of the applicant and other persons. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the application be granted as follows:-

Activities	Days & Hours Requested
Sale of Alcohol (off sales)	07.00 – 23.00 hrs Monday to Sunday

It is noted that the operating schedule refers to the premises opening hours as 06.00 hours. The Applicant is reminded that should the premises open at this time, they will be operating outside of the planning permission.

The conditions agreed between the Applicant and Durham Constabulary and approved by the Sub-Committee are outlined below:-

The Prevention of Crime and Disorder

- I. All Staff shall be trained in the sale of alcohol. Training shall take place twice annually. Records of this training shall be maintained. The records will be made available to officers and responsible authorities when requested.
- II. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.
- III. Cameras shall encompass the inside and outside of all entrances and exits to the premises and rear yards, fire exits and all areas where the sale/supply of alcohol occurs.
- IV. Equipment must be maintained in good working order, be correctly times and date stamped and kept for a period of 28 days.
- V. The Premises Licence Holder must ensure at all times the Designated Premises Supervisor or appointed member of staff is capable and competent at viewing the CCTV and downloading the footage onto a disc, hard drive or memory stick when requested to do so by the police/local authority within a time scale agreed to by officers and appointed staff.
- VI. The recording equipment and discs/memory sticks shall be kept in a secure environment under the control of the Designated Premises Supervisor or other responsible named individual.

Public Safety

- VII. An electronic incident log will be maintained. The log will be made available to officers and responsible authorities when requested.

The Protection of Children from Harm

- VIII. A proof of age policy in place for people under 25 years of age via the Challenge 25 scheme.
- IX. The only forms of identification we will accept are a passport, a photo driving licence and 'PASS' hologram I.D.
- X. An electronic refusal register will record all refused sales of alcohol, including attempted proxy sales.
- XI. Spirits will be shelved behind the counter.

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 14 February 2017 at 10.00 am**

Present:

Councillor J Maitland (Chair)

Members of the Committee:

Councillors O Gunn, J Hart, I Jewell and J Lee

Also Present:

K Coulson-Patel (Council's Solicitor)
H Johnson (Licensing Team Leader)
S Mooney (Solicitor - Durham Constabulary)
Sgt C Dickenson (Durham Constabulary)
Insp R Stockdale (Durham Constabulary)
Det. Constable Haythorne-thwaite (Durham Constabulary)
S Smith (Sintons LLP Solicitors on behalf of the Premises Licence Holder)
J Cunningham Senior (Premises Licence Holder)
J Cunningham Junior (Designated Premises Supervisor)
J Robson (Employee of the Bridge Inn - Witness)
A Mellor (Employee of the Bridge Inn - Witness)
K Jameson (Employee of the Bridge Inn - Witness)

1 Apologies for Absence

Apologies for absence had been received from Councillors B Glass and B Kellett.

2 Substitute Members

Councillors J Hart and I Jewell were substitute members for Councillors B Glass and B Kellett.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Review of a Premises Licence - The Bridge Inn, 1 Gordon Lane, Ramshaw, Bishop Auckland

Consideration was given to the report of the Corporate Director of Adult and Health Services which asked Members to consider and determine an application by Durham Constabulary to review the premises licence in respect of The Bridge Inn, 1 Gordon Lane, Ramshaw, Bishop Auckland which is currently licensed to supply

alcohol for consumption both on and off the premises and for the provision of regulated entertainment (for copy of report, see file of minutes).

A copy of the licence, location plan and supporting documents had been circulated.

Addition documentation had been received from Durham Constabulary and the Licence Holder, a copy of which had been circulated to Members prior to the meeting.

On 18 January 2017 the Licensing Authority received an application and supporting certificate under Section 53A of the Licensing Act 2003 from Durham Constabulary where it was required to consider whether it was necessary to take interim steps pending determination of the full review of the premises license within 48 hours of receipt of the application.

On 20 January 2017 the Statutory Licensing Sub-Committee met to consider the application and any necessary interim steps. It was decided to remove the designated premises supervisor from the licence and to suspend the premises licence with immediate effect.

On 23 January 2017 the Premises Licence Holder submitted a representation to review the decision of the Statutory Licensing Sub-Committee made on 20 January 2017.

On 25 January 2017 the Statutory Licensing Sub-Committee met to consider the representation and decided to continue with the interim steps which were to remove the Designated Premises Supervisor and suspend the premises licence until the full review hearing.

The Licensing Team Leader advised the Sub-Committee that she had received correspondence from the Premises Licence Holder's Solicitor who had been in conversation with Durham Constabulary to propose that the removal of Mr J Cunningham Junior as the Designated Premises Supervisor be maintained and they would offer a condition that Mr J Cunningham Junior have no involvement or management of The Bridge Inn until such time as the investigation currently being undertaken by Durham Constabulary had been concluded.

The Chairman sought confirmation from the Premises Licence Holder that he was in agreement with the proposal which Mr Cunningham confirmed.

S Smith the Premises Licence Holder's Solicitor indicated that the review hearing had been brought about by Durham Constabulary due to an alleged incident involving an employee who had alleged that he had been assaulted by Mr Cunningham Junior and threatened by Mr Cunningham Senior which her clients had denied and had said was totally fabricated.

The investigation was ongoing and no charges had been made and her clients should be treated as innocent until proven guilty according to law. She acknowledged that action had to be taken against a serious assault but this had to

be balanced against the need to preserve the livelihood of those involved. Members were asked to consider the letters of support that the Licence Holder had submitted.

S Smith confirmed that she had spoken to Mr Mooney to see if they could come to a compromise so that the business could operate as they could not close for months while the investigation was ongoing.

They had suggested a compromise to allow the business to operate but this was not an admission of guilt.

Councillor Jewell asked how they would ensure that Mr Cunningham Junior would have no involvement with the business.

S Smith responded that the business was in the name of Mr Cunningham Senior and he dealt with deliveries, orders and the opening of the premises. Staff were capable of running the premises and the only involvement that Mr Cunningham Junior had with the premises was the cleaning of the lines and did not serve behind the bar.

One of the current employees at The Bridge Inn had already undertaken the personal licence holder's course and was in the process of applying for her personal licence. They hoped she would receive her personal licence within the next seven days and they would not sell alcohol until this time and she had been named as the Designated Premises Supervisor.

S Mooney, speaking on behalf of Durham Constabulary indicated that Durham Constabulary were agreeable to the proposal put forward by the Premises Licence Holder. He stated that the investigation was still ongoing but no charges had been laid. The investigation could take some time to conclude and they had to weigh everything up and take everything into account and a balanced approach had been taken. Their greatest concern was with the alleged actions of the Designated Premises Supervisor who was the initial aggressor and who's role was crucial in the running of the premises.

Durham Constabulary still had concerns of the Premises Licence Holder but the role of the Premises Licence Holder was different to a Designated Premises Supervisor and the allegations against him were lesser and they acknowledged that he needed to be on site in order to run the business.

Durham Constabulary would continue to closely monitor the premises and would have the option to bring further review proceedings if necessary.

S Smith indicated that there had been no history of violence at the Premises since the Cunningham's had taken over the running of the premises and she would not expect any issues going forward.

At 10.15 am the Sub-Committee retired to deliberate the application in private. After re-convening at 10.20 am the Chairman delivered the Sub-Committee's decision. In determining the application the Sub-Committee had considered the report of the Licensing Team Leader and the verbal and written representations of the Applicant

and the Licence Holder. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: (i) That the suspension on the licence be lifted.

(ii) That the removal of Mr J Cunningham Junior as the Designated Premises Supervisor be upheld.

(iii) That the following condition be added to the licence:-

Mr J Cunningham Junior is to have no involvement in the running or management of The Bridge Inn until such time as the investigation, currently being undertaken by Durham Police, has been concluded and confirmation has been given in writing by the appropriate Police Officer that he may resume his involvement in the business, such confirmation not to be unreasonably withheld.

Statutory Licensing Sub-Committee

25th April 2017

Application for the Grant a Premises Licence



Report of Jane Robinson, Corporate Director, Adult & Health Services

Name and Address of Premises: The Distillery 1-2 Red Rose Terrace, Chester le Street, Co Durham DH3 3LN.

1. Summary

The Sub-Committee is asked to consider and determine the application from Mr Scott Walker for the grant of a premises licence for:

1-2 Red Rose Terrace
Chester le Street
Co Durham DH3 3LN

A plan showing the location of the premises is attached at Appendix 1.

2. Details of the Application

An application for the grant of a premises licence was received by the Licensing Authority on 6th March 2017. See attached Appendix 2.

The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.

The initial details of the application for the grant of the premises licence are as follows:

Proposed Activities	Days/Timings
Opening hours: Monday to Sunday	11:00 hrs until 01:30 hrs <i>Christmas Eve/Boxing Day – 11:00 hrs until 02:00 hrs</i> <i>New Year's Eve 11:00 hrs until 03:00 hrs</i> <i>Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 11:00 hrs until 02:00 hrs</i>
Plays (Indoors) Monday to Sunday	11:00 hrs until 01:00 hrs <i>Christmas Eve/Boxing Day – 11:00 hrs until 02:00 hrs</i> <i>New Year's Eve 11:00 hrs until 03:00 hrs</i> <i>Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 11:00 hrs until 02:00 hrs</i>

Films (Indoors) Monday to Sundays	11:00 hrs until 01:00 hrs
Indoor Sporting Events	11:00 hrs until 01:00 hrs <i>Christmas Eve/Boxing Day – 11:00 hrs until 02:00 hrs</i> <i>New Year's Eve 11:00 hrs until 03:00 hrs</i> <i>Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 11:00 hrs until 02:00 hrs</i>
Live Music (Indoors)	11:00 hrs until 01:00 hrs <i>Christmas Eve/Boxing Day – 11:00 hrs until 02:00 hrs</i> <i>New Year's Eve 11:00 hrs until 03:00 hrs</i> <i>Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 11:00 hrs until 02:00 hrs</i>
Recorded Music (Indoors and Outdoors)	11:00 hrs until 01:00 hrs <i>Christmas Eve/Boxing Day – 11:00 hrs until 02:00 hrs</i> <i>New Year's Eve 11:00 hrs until 03:00 hrs</i> <i>Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 11:00 hrs until 02:00 hrs</i>
Performance of Dance (Indoors)	11:00 hrs until 01:00 hrs <i>Christmas Eve/Boxing Day – 11:00 hrs until 02:00 hrs</i> <i>New Year's Eve 11:00 hrs until 03:00 hrs</i> <i>Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 11:00 hrs until 02:00 hrs</i>
Anything of a similar description (indoors)	11:00 hrs until 01:00 hrs <i>Christmas Eve/Boxing Day – 11:00 hrs until 02:00 hrs</i> <i>New Year's Eve 11:00 hrs until 03:00 hrs</i> <i>Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 11:00 hrs until 02:00 hrs</i>
Late Night Refreshment (indoors)	Sunday to Thursday 23:00 hrs until 00:00 hrs Friday & Saturday 23:00 hrs until 00:30 hrs
Supply of Alcohol (on the Premises)	11:00 hrs until 01:00 hrs <i>Christmas Eve/Boxing Day – 11:00 hrs until 02:00 hrs</i> <i>New Year's Eve 11:00 hrs until 03:00 hrs</i> <i>Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 11:00 hrs until 02:00 hrs</i>

Following mediation with Durham Constabulary, within the consultation period, the applicant agreed to amend the premises licence application by adding additional conditions to the operating schedule, as detailed in Appendix 3.

Also within the consultation period, comments were received from Responsible Authorities, namely Local Safeguarding Children Board, Environmental Health

and Planning. The Applicant has been provided with the letter from the Planning Department. These are attached as Appendix 4.

3. The Representations

The Licensing Authority received a bundle of pre-typed documents in an envelope from Mr Briggs, Chair of the Chester le Street Residents Association which contained 48 letters of representation from 'other persons'. Some letters did not detail an address and have therefore been disregarded. The Licensing Authority wrote to all individuals to validate the letters, see below:

A further two letters of representation were received from Mr M H Allen on 27th March 2017 and Mr McAtominey on 3rd April 2017.

All of the representations received relate to the following licensing objectives:

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

Copies of the representations are attached at Appendix 5.

The Licensing Authority received responses from the following residents validating their representation and confirmed that it was their intention for the representation to be considered.

- Mr Derek Briggs, Chester le Street Residents Association (other person)
- Mr R & Mrs E Beach (other person)
- Lesley Corfield (other person)
- Mr George Tom Curry (other person)
- Mr B & Mrs H George (other person)
- Mr Dominic Killoury (other person)
- Mr Ronald & Mrs Jennifer Lancaster (other person)
- Mr Paul McAtominey (other person)
- Mr Frank & Mrs Regina Raine (other persons)
- Karen Rothwell (other person)
- Sheila Standish (other person)
- R H Stevens (other person)
- Peter Tooth (other person)

The Licensing Authority received responses from the following residents who confirmed that their representation had been withdrawn after the mediation agreed and the amendments to the application had been outlined:

- Mr Michael Henry Allen (other person)
- Mrs Joyce Elsbury (other person)
- Ms Eileen Danby (other person)
- Ms Joan Reynolds (other person)

For members information: The Licensing Authority was contacted by Mr Stephen Underwood of Hawthorn Terrace on 10th April 2017 stating that he had received letters from the Licensing Authority in relation to a representation he had not made. Following communication with Mr Underwood, a copy of the letter was viewed by Mr Underwood and he confirmed that the signature on the letter was not his and he had not submitted it. He stated that he is not opposed to the opening of the Distillery and if anything welcomed it as the town needs all the business it can get. See email, attached as Appendix 6.

Members: At the time of the report no further validation responses were received from residents. Members should therefore attach the appropriate weight to the remaining representations that have not been validated.

Mediation - In agreement with the Chair (Mr Briggs) Chester le Street Residents Association a meeting was arranged for 28th March 2017 to discuss the resident's concerns.

The meeting was attended by myself, the Applicant's solicitor (Mr Giles McCourt), the Applicant and his wife, Mr Worthy and Mr Briggs (who was accompanied by two residents, selected by Mr Briggs).

An agreement was reached at the meeting and the Applicant subsequently amended the premises licence application to reduce the proposed activities/timings and offered further conditions to reflect resident's concerns.

There are detailed below:

1. CCTV will be installed to the rear of the premises, to cover the refuse area and bin store
2. The Applicant agrees to a reduction in licensable hours, the stated finishing time of 01:00 hrs for Plays, Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Anything of a Similar Description, Late Night Refreshment will be reduced to 23:00 hrs.
3. The premises will be open to the public from 11:00 hrs to 00:00 hrs
4. The seasonal variations stated will be amended to read:
Christmas Eve/Boxing Day – 11:00 hrs until 02:00,
New Year's Eve 11:00 hrs until 03:00 hrs,
Public and Bank holiday weekends Friday, Saturday & Sunday 11:00 hrs until 02:00 hrs
The premises may operate with the requested licensable activities until 01:00 hrs on each occasion where a bona fida private functions (such as, but not limited to weddings, christenings, birthdays) is booked.
5. Deliveries will not be permitted between the hours of 22:00 hrs and 08:00 hrs.
6. Bottles, cans and other drinks containers must not be decanted into the outside refuse bins, so that they cause a noise, nuisance and/or disturbance to neighbouring properties and residents between the hour's 22:00 hrs and 08:00 hrs.

Following the mediation meeting the Applicant produced a letter to be circulated to residents outlining their operational plan. This letter was circulated by the Licensing Authority together with an update regarding all the changes and additional conditions submitted by the Applicant.

The amendments to the application and the letter provided by the Applicant are both attached as Appendix 7.

4. Parties

The Parties to the hearing will be:

- Mr Giles McCourt (Applicant's Solicitor)
- Mr Scott Walker (Applicant)
- Mr Derek Briggs, Chester le Street Residents Association (other person)
- Mr R & Mrs E Beach (other person)
- T Bell (other person)
- R Clayton (other person)
- Lesley Corfield (other person)
- Mr George Tom Curry (other person)
- K Elliott (other person)
- S Gange (other person)
- Mr B & Mrs H George (other person)
- E Greener (other person)
- A Hardy (other person)
- Mr Dominic Killoury (other person)
- Mr Ronald & Mrs Jennifer Lancaster (other person)
- Mr Paul McAtominey (other person)
- Mr J A McColl (other person)
- D Morgan (other person)
- J Morgan (other person)
- K Penna (other person)
- T & T Quinlivan (other person)
- Mr Frank & Mrs Regina Raine (other persons)
- Karen Rothwell (other person)
- A K Sinclair (other person)
- D & J Skeoch (other persons)
- Sheila Standish (other person)
- R H Stevens (other person)
- L G Taylor (other person)
- Peter Tooth (other person)
- G Wilson (other person)
- 7 x Residents of Wear Street (other persons)
- 2 X Residents of Lumley Terrace (other persons)
- 1 Resident of Ropery Lane (other person)

5. Durham County Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the following relevant parts of the Policy:

- 7.0 The Prevention of Crime and Disorder
- 8.0 Public Safety
- 9.0 The Prevention of Public Nuisance
- Appendix B - Framework Licensing Hours

Relevant information is attached as Appendix 8.

6. Section 182 Guidance

The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under section 182 of the Licensing Act 2003 as follows:

- 2.1 - 2.5 Crime and Disorder
- 2.6 – 2.13 Public Safety
- 2.14 - 2.20 Public Nuisance

Relevant information is attached as Appendix 9.

7. For Decision

The Sub-Committee is asked to determine the grant application in light of the representations received.

Background Papers:

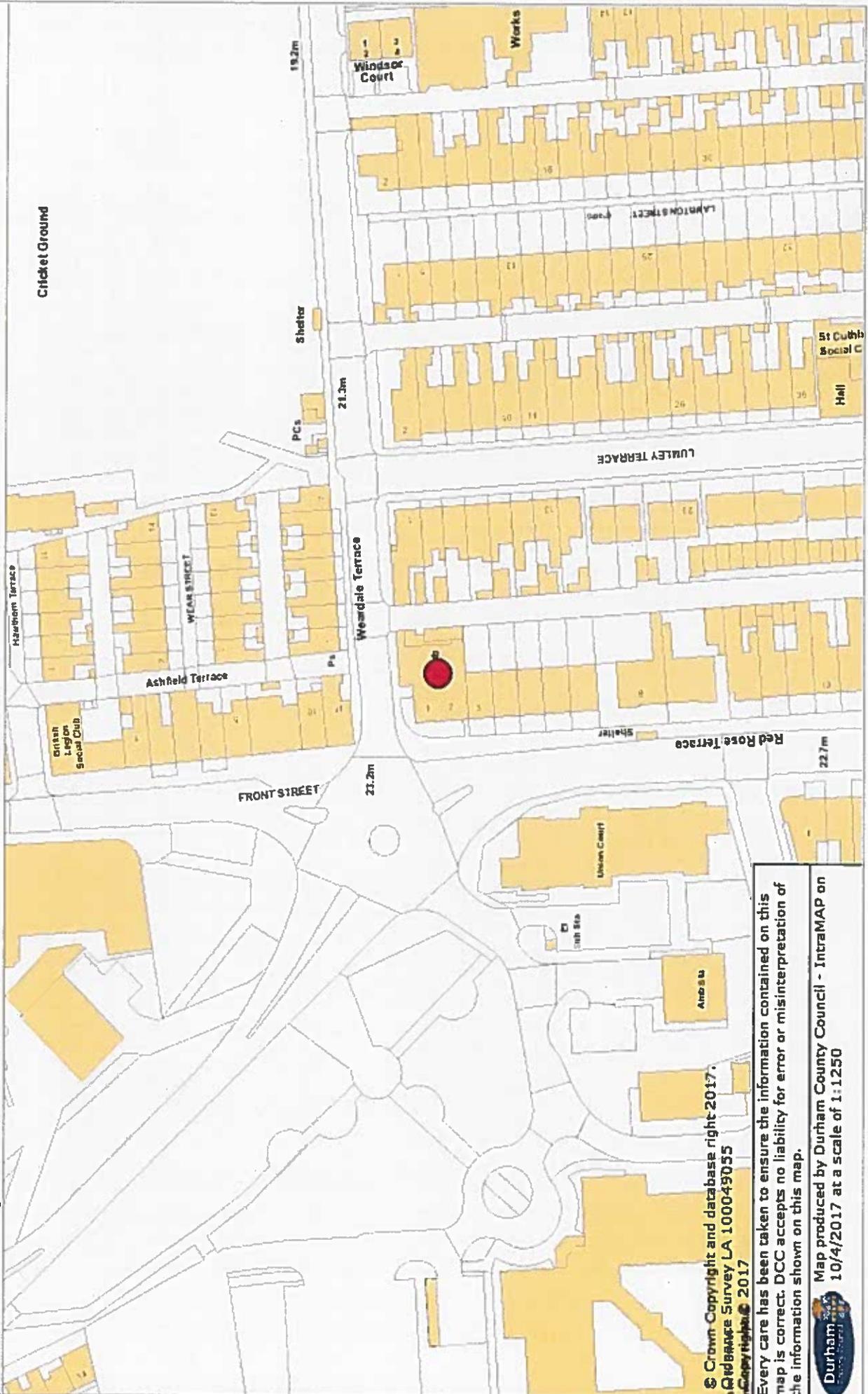
- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (as amended March 2015)

Contact: Karen Robson

Tel: 03000 265104

Email: karen.robson2@durham.gov.uk

APPENDIX 1 - LOCATION PLAN



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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 10/4/2017 at a scale of 1:1250



APPENDIX 2 - APPLICATION FORM

Durham County Council
 23 FEB 2017
 Received

DURHAM COUNTY COUNCIL, Licensing Services, PO Box 617, Durham.
 DH1 9HZ

Application for a premises licence to be granted
 under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Scott Walker

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description The Former Kelton Social Club THE DISTILLERY 1-2 Red Rose Terrace			
Post town	Chester-le-Street	Postcode	DH3 3LN
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£6400 ✓ eb.		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Walker			First names Scott		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
2	5	03
20	1	7

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

DD	MM	YYYY

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

Two storey former Working Mens Club building, comprising bar and lounge area to the ground floor, with additional function room and bar to the first floor, shown edged blue on Plans 1 and 2

The premises also comprise external seating areas to the front/side of the building (shown coloured red on Plans 3&4) together with a roof terrace on the first floor shown coloured green on Plan 2 and edged red on Plan 4.

The location of the premises is shown edged red on Plan 5

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

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

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

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1100	0100	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	1100	0100			
Wed	1100	0100	State any seasonal variations for performing plays (please read guidance note 4) Christmas Eve/Boxing Day – 1100 until 0200 New Years Eve – 1100 until 0300 Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 1100 until 0200		
Thur	1100	0100			
Fri	1100	0100	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	1100	0100			
Sun	1100	0100			

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon	1100	0100			
Tue	1100	0100			
Wed	1100	0100			
			<u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u>		
Thur	1100	0100			
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri	1100	0100			
Sat	1100	0100			
Sun	1100	0100			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon	1100	0100	<p><u>State any seasonal variations for indoor sporting events (please read guidance note 4)</u> Christmas Eve/Boxing Day – 1100 until 0200 New Years Eve – 1100 until 0300 Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 1100 until 0200</p> <p><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</u></p>
Tue	1100	0100	
Wed	1100	0100	
Thur	1100	0100	
Fri	1100	0100	
Sat	1100	0100	
Sun	1100	0100	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1100	0100			
Tue	1100	0100			
			State any seasonal variations for the performance of live music (please read guidance note 4) Christmas Eve/Boxing Day – 1100 until 0200 New Years Eve – 1100 until 0300 Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 1100 until 0200		
Wed	1100	0100			
Thur	1100	0100			
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	1100	0100			
Sat	1100	0100			
Sun	1100	0100			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1100	0100	<u>Please give further details here</u> (please read guidance note 3) Recorded music will not be played after 8:30 in external areas.	Both	<input checked="" type="checkbox"/>
Tue	1100	0100			
Wed	1100	0100	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) Christmas Eve/Boxing Day – 1100 until 0200 New Years Eve – 1100 until 0300 Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 1100 until 0200	Both	<input checked="" type="checkbox"/>
Thur	1100	0100			
Fri	1100	0100	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	Both	<input checked="" type="checkbox"/>
Sat	1100	0100			
Sun	1100	0100			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1100	0100			
Tue	1100	0100			
Wed	1100	0100			
			State any seasonal variations for the performance of dance (please read guidance note 4) Christmas Eve/Boxing Day – 1100 until 0200 New Years Eve – 1100 until 0300 Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 1100 until 0200		
Thur	1100	0100			
Fri	1100	0100			
			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	1100	0100			
Sun	1100	0100			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</p>	Indoors	<input checked="" type="checkbox"/>
Mon	1100	0100		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	1100	0100	<p>Please give further details here (please read guidance note 3) Christmas Eve/Boxing Day – 1100 until 0200 New Years Eve – 1100 until 0300 Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 1100 until 0200</p>		
Wed	1100	0100			
Thur	1100	0100	<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</p>		
Fri	1100	0100			
Sat	1100	0100	<p>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</p>		
Sun	1100	0100			

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	2300	0000	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	2300	0000	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
	2				
Wed					
	2300	0000			
Thur	2300	0000	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	2300	0030			
Sat	2300	0030			
Sun	2300	0000			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) Christmas Eve/Boxing Day – 1100 until 0200 New Years Eve – 1100 until 0300 Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 1100 until 0200		
Mon	1100	0100			
Tue	1100	0100			
Wed	1100	0100			
Thur	1100	0100			
Fri	1100	0100			
Sat	1100	0100			
Sun	1100	0100	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) Christmas Eve/Boxing Day – 1100 until 0200 New Years Eve – 1100 until 0300 Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 1100 until 0200		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name TO FOLLOW	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

The premises will have gaming machines, members of staff at all times. All customers using the premises are reminded that children under the age of 18 may not use the gaming machines. Adequate signage will be in place to remind customers of the age restrictions relating to the gaming machines.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) Christmas Eve/Boxing Day – 1100 until 0200 New Years Eve – 1100 until 0300 Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 1100 until 0200
Day	Start	Finish	
Mon	1100	0130	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) Christmas Eve/Boxing Day – 1100 until 0200 New Years Eve – 1100 until 0300 Public and Bank Holiday weekends; Friday, Saturday, Sunday and Monday – 1100 until 0200
Tue	1100	0130	
Wed	1100	0130	
Thur	1100	0130	
Fri	1100	0130	
Sat	1100	0130	
Sun	1100	0130	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

- A staff training programme will be in place where staff receive regular training All staff will be aware of the requirements of the premises licence.
- Staff will be regularly updated on their responsibilities, with particular attention on age restricted products. a training record will be kept at the premises containing the training of each member of staff.
- All members of staff shall seek credible photographic proof of age from any person who appears to be under the age of 21 and is seeking to buy alcohol.
- The Challenge 25 Scheme will be implemented
- Proof of age will be requested from any customer seeking to buy alcohol who appears to be under the age of 21.

b) The prevention of crime and disorder

- A CCTV system is installed at the premises, the applicant will ensure that the system is properly maintained and correctly dated and time stamped. The system will provide a recording for each camera. All such recordings will be maintained for a minimum period of 31 days and will be supplied to an Officer of the Council or Police office or any person acting with their authority on request.
- CCTV will be operational at all times that the premises are in use.
- Prominent, clear and legible notices will be displayed at all public exits requesting the public to respect the needs of local residents and to leave the premises quickly and quietly.
- A refusals book will be kept on the premises and completed whenever a sale is refused to a person who cannot prove they are over the age of 18. The book will contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. The book will be made available to Police (or any person acting with their authority) and authorised Council officers on request

c) Public safety

- All exit doors will be operable without the use of a key, card, code or similar means.
- Doors at such exits will be regularly checked to ensure that they function satisfactorily
- Any removable security fastenings will be removed whenever the premises are open to the public or occupied by staff.
- An adequate and appropriate supply of first aid equipment and materials will be available on the premises.
- An adequate number of staff will be trained in first aid

d) The prevention of public nuisance

- there will be a display at the point of entry to the premises and beside any point of sale suitable worded signage advising customers that the underage sale of alcohol is an offence and they will be asked to produce proof of age.
- CCTV will be operational at all times that the premises are in use

e) The protection of children from harm

- A refusals book will be kept on the premises and completed whenever a sale is refused to a person who cannot prove they are over the age of 18. The book will contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. The book will be made available to Police (or any person acting with their authority) and authorised Council officers on request
- Any children must be accompanied by an adult.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	SOLICITOR

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Giles McCourt
Solicitor
Swinburne Maddison LLP

Post town

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

1. 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.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give 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.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give 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 or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

APPENDIX 3 - MEDIATION WITH DURHAM CONSTABULARY

Karen Robson

From: Michelle Williamson < >
Sent: 15 March 2017 15:55
To: 'Giles McCourt'
Cc: Karen Robson; Yvonne Raine
Subject: The Distillery, Chester le Street
Attachments: CCTV log.xlsx; Door Supervisor Log.xlsx; Refusal register.pdf; The Distillery, Chester le Street.docx; challenge 25.pdf

Hi Giles

It was good to meet with you and Scott today at The Distillery. As discussed please find attached a list of conditions I would like to see adding to the application. Can you please discuss them with Scott and reply to all on this email if you are happy to have them added.

I have also attached the forms and poster as discussed. I will send a hard copy to Scott's address in Belmont.

Many thanks
Michelle

PCSO 6832 Williamson
Harm Reduction Unit

A
J
N
E
E
C
L

I
F

N
N

T
N

Operating Schedule

A) General

Authorised staff employed by Durham Police shall have free access to all parts of the licensed premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.

B) The Prevention of crime & disorder

Initial staff training to be carried out by DPS or approved member of staff to ensure no alcohol is sold to anyone underage and refresher training to be carried out every 6 months.

Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting.

On the ground floor, CCTV will be in operation at all times. Cameras shall encompass the inside and outside of all entrances and exits to the premises and beer gardens, fire exits and all areas inside the premise where the sale / supply of alcohol occurs.

On the first floor, CCTV shall only be in operation when the premises are open.

Equipment must be maintained in good working order, be correctly times and date stamped. Recordings must be kept for a period of 28 days and handed to the responsible authorities within a reasonable time frame agreed between officers and DPS/authorised person.

The CCTV system will incorporate a battery backup system to enable 24 hour continuous recording in case any power blackout / failure.

The Premise Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable format, either disc, hard drive or memory stick and handed to responsible authorities within a reasonable time frame agreed between officers and DPS/authorised person.

The recording equipment and discs / memory sticks shall be kept in a secure environment under the control of the DPS or other responsible named individual.

An operational weekly log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

Door Supervisors shall be provided on a risk assessment basis or at the request of Durham Constabulary.

If Door Supervisors are used an operational daily log must be kept documenting door supervisor information. This is to include full name, date of birth, full badge number, contact phone number, security companies name and start and finish times.

C) Public Safety

Fire exits and fire equipment clearly marked.

All staff must be aware of requirements regarding health and safety.

First aid facilities will be available.

An incident log will be kept at all times.

D) Prevention of Public Nuisance

Door and windows will be kept closed whilst live music is being played.

The external roof terrace will be not used after 21:00hrs.

E) The Protection of Children from Harm

A proof of age policy in place for people under 25 years of age via the Challenge 25 scheme.

The only forms of identification we will accept are a passport, a photo driving licence and 'PASS' hologram I.D.

A refusal register will be kept and endorsed after every sale of alcohol and entry to premise refused, this is to include over 18's purchasing alcohol and passing it to under 18's (proxysales).

CCTV Log

Precises Name

Date	Time	Result	Engineer Contacted	Job No. / Result	Date completed
01/01/2015	08:00	Not recording	ABE cameras 01207 500 015 08:15	Job no. 12345, engineer to attend 02/01/2015. New part fitted 02/01/15. System fully working again.	02/01/2015
01/01/2015	08:00	No problem as fully operational			

Examples

Door Supervisor Log

Premises Name

Date

Name	DOB	Address	Contact Tel. No	Badge No.	Hours worked



IF YOU LOOK
UNDER 25
YOU WILL
BE ASKED
FOR
PHOTO ID

NO ID
NO SALE



**THE ONLY ACCEPTABLE
FORMS OF ID ARE:**

- Photocard Driving Licence
- Passport
- Proof of age Card bearing
Pass Hologram



APPENDIX 4 - RESPONSES FROM RESPONSIBLE AUTHORITIES

Karen Robson

From: Sean Barry
Sent: 07 March 2017 09:23
To: Neighbourhood Services Licensing
Subject: RE: The Distillery 1-2 Red Rose Terrace Chester Le Street County Durham DH3 3LN

Categories: Karen

Good Morning

I have received a new premises application for the establishment: The Distillery 1-2 Red Rose Terrace Chester Le Street County Durham DH3 3LN

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

My Ref: SB/2017/023

Thanks
Sean

From: LSCB
Sent: 06 March 2017 12:52
To: Sean Barry <Sear
Subject: FW: The Distillery 1-2 Red Rose Terrace Chester Le Street County Durham DH3 3LN

Karen Baker

From: Lindsey Leonard
Sent: 07 March 2017 15:07
To: Karen Baker
Subject: The Distillery, 1-2 Red Rose Terrace, Chester-le-Street

Karen,

I have no representations to make on the New License Application.

regards

Lindsey Leonard
Senior Environmental Health Officer
Neighbourhood Services

T: 03000 [REDACTED]

E: [lindsey](mailto:lindsey@durham.gov.uk)

Web: www.durham.gov.uk

Follow us on Twitter [@durhamcouncil](https://twitter.com/durhamcouncil)

Like us at facebook.com/durhamcouncil

LGO Awards **2014 Council of the Year**

Contact: Sarah Seabury
Direct Tel: 03000
email: sarah.s
Your ref:
Our ref: CON28/17/00595



Karen Baker
Adult and Health Services
Karen.baker@durham.gov.uk

22 March 2017

Dear Ms Baker

Town and Country Planning Act 1990 (as amended)

Proposed Application for grant of premises licence.
At The Distillery 1-2 Red Rose Terrace, Chester-Le-Street, DH3 3LN
For Karen Baker

I refer to your consultation request with regard to the above proposal.

The current use/most recent use of the building is a Working Men's Club which falls within Use Class D2 Assembly and Leisure. The change of use from a D2 use to an A4 Drinking Establishment would require the submission of a change of use planning application.

The following information would be required for validation of a planning application for change of use:

- Completed planning application form
- Location plan (scale 1:2500 or 1:1250) with red line boundary around site
- Site plan (scale 1:500, 1:200 or 1:100) with red line boundary around site
- Existing and proposed Floor Plan to a recognised scale
- The correct fee of £385.00

Please note this Council is committed to adopting a pragmatic approach to the complex issue of validation and as such we will always look to take a proportionate approach to validation requirements. The above advice has been provided on this basis.

I trust this advice is of assistance to you. Please note that whilst this Council strives to provide pre-application advice which is to a high standard and is honoured in the event of an application being received, the advice contained within this letter is based on the information made available at this time and cannot prejudice any future decision made by the Council's Planning Committee or Officers under delegated powers.. In particular further issues may of course be raised as part of the consultation process carried out in relation to any application and furthermore the advice contained in this letter may become outdated as a result of a changing planning policy context.

Regeneration and Economic Development

Durham County Council, Planning Development (North), Room 4/86-102, County Hall, Durham,
DH1 5UL Main Telephone: 03000 262 830

I thank you for using Durham County Council's pre-application advice service. Should you wish to discuss the matter further please do not hesitate to contact me on the details above.

Yours sincerely

Sarah Seabury
Planning Officer

APPENDIX 5 – REPRESENTATION LETTERS



Chester-Le-Street Central Resident Association.

Licence Manager
Durham County Council

Mr D.Briggs
Wesley Terrace
Chester-Le-Street
County Durham

15th March 2017

New Premise licence application 1-2 Red Rose Terrace Chester-Le-Street.

I want to submit an objection to this application on the grounds of it does not comply with all the objectives of an application. The area is a heavy residential one which the impact this will have licence as it stands will be very detrimental to all those living there. The late hours will spoil everyone's sleep patterns and cause sleepless nights which can lead to depression. The thought of music echoing all around outside all day till late will drive residents out of their homes during the day, not all like modern music. The smokers outside are not to be considered as this will have a big impact on residents and other passing by, from the shouting and often foul language. The area at lunch time is full of school children. Music till the early hours, these owners must not care about anyone living around the premises. Everyone will lose their quality of life they have made for themselves, with all this noise pollution. The area will go downhill with litter, noise and mess. You are adding to more misery to residents by granting this application as it stands. You as a council are there to protect and look after our wellbeing not just children but adults care as well. You must reject this application as it stands as it is not acceptable.

Yours Sincerely

Derek Briggs
Chairman

F + R Raine

Durham County Council
Licensing Manager.

New Premises Licence Application for 1&2 Red Rose Terrace Chester-Le-Street.

Dear Manager.

I wish to submit an objection to the application. The hours they are planning in a residential area is not acceptable, the noise from patrons leaving and car doors banging we will get no sleep. The live music and recorded music playing outside will give us no peace. Our lives will be totally destroyed by the application. Residents are living next door and within metres of these premises, many are elderly and have lived here for years. We will have no quality of live if this goes ahead. As a council you have a duty of care to look after people and the old. The staff will be a long way from the front area and will not be able to control this part outside. In the old club they put benches out and everyday those sitting outside used to shout at passing vehicles and other people walking passed. Please consider the residents who have to live here and amended this to give us some peace.

Yours.



WEAR ST.
DH3 3PE

Why has this opening of a Bar etc. not been open for discussion with the residents?

Do the owners realize that the back areas are open and will be used for not pleasant activities? Drugs, drunkenness, fornication excrement and general defacing of this area.

We presume some-one has looked at this kind of misuse and thought about people round about.

Not forgetting Taxis stopping (where?) on double yellow lines in front of private residences of course

Then there is pedestrian access. Over Suicide Crossing as we locals call this crossing area.

Surely planning and police have checked the feasibility of all these aspects

R Clayton

Durham County Council
Licensing Manager.

New Premises Licence Application for 1&2 Red Rose Terrace Chester-Le-Street.

Dear Manager.

I want to make a complaint about this application in my neighbourhood. This is absolutely ridiculous that someone can put this application in a heavy residential area, with so many people living within metres of the premises. The noise coming from the inside with live music and then to blast music outside with recorded music all day. Residents will not have any quality of life; we have a number of elderly residents who have had property for years. The safety is another issue, lots leaving the premises with vehicles engines running and doors being banged at the early hours, with no one in control. The music will be heard right round all these homes in a great distance from the premises. What about those living close, no sleep at night 7 days a week, and the hours the noise will go on well into the early hours. Please accept my objection to this application; our lives will be disturbed till it will not be worth staying in bed. The mess that this will leave will also spoil the area. No seating outside is a must. This must be turned down.

OBVIOUSLY THE FRONT OF THE PREMISES WILL
BECOME THE SMOKING AREA, ADDING TO THE
NOISE LEVEL + MESS. R.C.

Yours /

RED ROSE TERR.

This proposal is not
taking into consideration,
the people living directly
next door and above the
premises 1-2 Red Rose Terrace

There should be a
visit by some-one in
Authority to check the
Residents

Wear Street, Chester-le-Street, Co. Durham DH3 3PG
Telephone: t
12th March 2017

Dear Sirs

Licence Application 1 and 2 Red Rose Terrace, Chester-le-Street, Co. Durham

It has been brought to our attention that there is an application for a licence for the premises of the former Relton Club in Chester-le-Street. Whilst we accept that there is not a change of use to these premises, we object most strongly to the terms of the new licence application, particularly with regard to the opening/closing hours, and the playing of music, both live and recorded. Have the applicants, or any members of the Planning Committee, any idea what it is like to live in an area which has been taken over by late licenced pubs and takeaways? We can assure you it is horrendous. We have lived here since 1974, and during recent years there has been an increase in the takeover of our residential area, particularly with noise pollution and the fouling of our streets. On Friday and Saturday nights the noise from people leaving the licensed premises at the top of Chester-le-Street in the early hours of the morning is appalling-shouting, screaming, and often, fighting. These disturbances occur nearly every weekend, and at times it is very wearing. Recently, we could hear what sounded like several people being sick outside our houses, and in the morning, a wonderful sight awaited us. As the fouling was at the top of the street, we cleaned it up as everyone passing, or visiting, would have to walk past. Sometimes the fouling is worse – people using our streets as toilets – very nice! Groups of people sitting outside drinking can be very intimidating, and a walk to the bus stop takes on a whole new meaning. These premises on Red Rose Terrace are very close to our homes, having originally been houses themselves, and are attached to other residential properties. What chance do these residents have of getting any peace? Some of them have been talking about moving since this Application became known – why should people be forced out of their homes by thoughtless individuals intent on their own pursuit of “pleasure”? Please, come and see for yourselves the proximity of the houses and apartments to these premises in Red Rose Terrace – we are sure you would not want this licence to be approved if you lived here. We ask you to reject this licence, and to consider the people who live in the area.

Yours faithfully

LESLEY CORFIELD
7 WEAR STREET

GEORGE T. CURRY
5 WEAR STREET

Durham County Council
Licensing Manager.

New Premises Licence Application for 1&2 Red Rose Terrace Chester-Le-Street.

Dear Manager.

I want to make a complaint about this application in my neighbourhood. This is absolutely ridiculous that someone can put this application in a heavy residential area, with so many people living within metres of the premises. The noise coming from the inside with live music and then to blast music outside with recorded music all day. Residents will not have any quality of life; we have a number of elderly residents who have had property for years. The safety is another issue, lots leaving the premises with vehicles engines running and doors being banged at the early hours, with no one in control. The music will be heard right round all these homes in a great distance from the premises. What about those living close, no sleep at night 7 days a week, and the hours the noise will go on well into the early hours. Please accept my objection to this application; our lives will be disturbed till it will not be worth staying in bed. The mess that this will leave will also spoil the area. No seating outside is a must. This must be turned down.

Yours

W. ST.

MR UNDERWOOD
See Report

Durham County Council
Licensing Manager.

New Premises Licence Application for 1&2 Red Rose Terrace Chester-Le-Street.

Dear Manager.

I wish to submit an objection to the application. The hours they are planning in a residential area is not acceptable, the noise from patrons leaving and car doors banging we will get no sleep. The live music and recorded music playing outside will give us no peace. Our lives will be totally destroyed by the application. Residents are living next door and within metres of these premises, many are elderly and have lived here for years. We will have no quality of live if this goes ahead. As a council you have a duty of care to look after people and the old. The staff will be a long way from the front area and will not be able to control this part outside. In the old club they put benches out and everyday those sitting outside used to shout at passing vehicles and other people walking passed. Please consider the residents who have to live here and amended this to give us some peace.

Yours.

Hawthorn Get

Durham County Council
Licensing Manager.

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Yours

LUMLEY TERRACE

Durham County Council
Licensing Manager.

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Yours

~
Lumley Tco

Durham County Council
Licensing Manager.

MRS JOAN REYNOLDS
LUMLEY TCE.
CHESTER-LE-STREET.

New Premises Licence Application for 1&2 Red Rose Terrace Chester-Le-Street.

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Yours

Mr R H STEVENS

NEAR ST
CHESTER. LE. ST
CO. DURHAM
DH3 3PG.

Durham County Council
Licensing Manager.

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Yours



WEAR ST
CHESTER-LE-ST.

Durham County Council
Licensing Manager.

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weat St
chester. L. ST
to Durham

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Licensing Manager.

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WEAR STREET
DH3 3PG

Yours

/

Durham County Council
Licensing Manager.

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Yours

HAWTHORN TERR
C-L-S

Durham County Council
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THE AREA AROUND THE PREMISES WILL
END UP BEING A RUBBISH TIP, AS
PEOPLE WAITING FOR TAXIS,

Yours

RED ROSE, TERR

Durham County Council
Licensing Manager.

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Yours

Broadwood View.
Chester-le-Street.
Durham.
DH3 3NJ.

The Occupier

2
Roppey Lane

DM3-3NL

Durham County Council
Licensing Manager.

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C Wilson

LUMLEY TERRACE

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Lumley Terr

DH3-3NW

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Terry T. Quinlivan

Durham County Council
Licensing Manager.

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TERRY QUINLIVAN

HAWTHORN TCE
CHESTER-LE-STREET
CO. DURHAM
DH3 3PE

TERRY QUINLIVAN

Durham County Council
Licensing Manager.

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(
Hawthorn Terrace
)

K Elliott

Durham County Council
Licensing Manager.

weardale Tce
CH-LE-ST
DH33PQ.

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Durham County Council
Licensing Manager.

The Occupier
Wear Street
Chester-Le-Street
DU3 3pg

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Andy Re-

Mrs Standish

Wealdale Terr

Chester-le-Street

DH3 3PQ

Durham County Council
Licensing Manager.

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The Occupier

Wear Street
Chester-le-Street
Durham
DH13 3PG

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A Hardy

Wear St
DH3 3PG

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Lumley Ice.

Mr B George

Durham County Council
Licensing Manager.

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Laney Tan

The Occupier

WEAR ST
DH3 3FG

Durham County Council
Licensing Manager.

New Premises Licence Application for 1&2 Red Rose Terrace Chester-Le-Street.

Dear Manager.

We are appalled at this application in our residential area, there are people's homes all round this premises, and many have lived here for years and bought their homes for peace and a good quality of life in retirement. This will be shattered by this application. The hours are just not acceptable and there will be no control on these patrons coming out in the early hours, shouting and hanging around for transport home, urinating in the streets around. Vehicles standing engines roaring and doors being slammed closed. The late hours most residents will have gone to bed to be woken up and unable to get back to sleep as the noise will still be going on after the premises are closed. Having seating outside will bring noise and smell through the day and late at night. The live music blasting out for everyone sleeping or trying to watch the television in their own home will just hear the thud thud of modern music. We live here because it is a good neighbourhood and we have a quality of life we like, we do not want this to change so we are requesting you turn this application down.

WEAR Street

The Occupier

WEAR ST
CH. LE-ST
D13 3PG

Durham County Council
Licensing Manager.

New Premises Licence Application for 1&2 Red Rose Terrace Chester-Le-Street.

Dear Manager.

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Yours.

K Rothwell

WEAR ST

CH-LE-ST

DH3 3PG

Durham County Council
Licensing Manager.

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N.B HAS ANY PERSON FROM PLANNING
BEEN TO THE SITE TO CHECK HOW
CLOSE IT IS TO RESIDENTIAL HOMES

The Occupier

Durham County Council
Licensing Manager.

Wear Street
Chester-le-Street
Co. Durham
DH3 3PG

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Wear St.
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Yours.

UNION COURT
DH3 3PA

Durham County Council
Licensing Manager.

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Yours.

HORTHORN
TERRACE
1043 3PIE

The Occupier

Durham County Council
Licensing Manager.

Wear Street
Chester-le-Street
Co. Durham
DH3 3PG

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Yours.

*Coronation Street,
Chester-le-Street,
Co. Durham.*



J Morning

Durham County Council
Licensing Manager.

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Dear Manager.

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Yours.

Broadwood View.
Chester-le-Street
Durham.
DH1 3NJ.

E Greener

Durham County Council
Licensing Manager.

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Yours.

UNION COURT,
DH3 3PA .

3 - APR 2017

Red Rose Terrace
Chester Le Street
Co Durham
DH3 3LN

30TH March 2017

Durham County Council
PO BOX 617
Durham
DH1 9HZ

Dear Sir

I wish to register my objections to the licensing application made to you by Mr Scott Walker, 5 Buckingham Road, Belmont, Durham, DH1 2DB for a new premises licence for the premises to be known as The Distillery, 1-2 Red Rose Terrace, Chester Le Street, DH3 3LN.

My objections to the application are based on the prevention of crime and disorder, public safety and the prevention of public nuisance.

The prevention of Crime and Disorder.

The Council's Statement of Licensing Policy 2014-2019 at section 2.14 states

Evidence identifies the links between the consumption of alcohol and binge drinking, crime and anti-social behaviour. In County Durham rates of binge drinking are significantly higher than the rest of England.

The crime statistics for this area show that, in the area north of Ropery Lane, immediately in the vicinity of the licensed premises situated in Front St, before the junction with West Lane, and in the period between January of 2016 and December of the same year, there were a total of 84 crimes recorded by Police. These were listed as 49 offences involving violence or sexual offences, 8 public order offences and 27 antisocial behaviour offences. In the same period South of Ropery Lane, the area in which I live and in which the application has been made, there were a total of 5 offences of these types. The area of housing including Wear Street, immediately opposite the premises, has had the unusual step of a poster campaign by the Police warning against Anti Social behaviour such as sexual activity and urinating in the area. I would suggest that new licensed premises would only contribute towards this clearly significant problem.

I would also suggest that the application should be looked at in light of the Cumulative Impact, listed in the Statement of Licensing Policy under section 11. In recent years there has been an increase in the number of licensed premises at the top of the Front Street, with a collection of 8 premises licensed for alcohol sales and a further 6 fast food outlets. In general, these premises remain open until 2 or 3 in the morning, meaning that their clientele do not finally disburse until perhaps 30 minutes later. It appears to have been council policy to allow the concentration of these premises and these licensed hours, but, in light of the Police action and the crime statistics, which would appear to indicate a serious problem,

should this not now be considered under Cumulative Impact? This would seem to be in line with stated Council policy:-

11.0 Cumulative Impact

11.1 *The Licensing Authority recognises that the cumulative effect of the number, type and density of licensed premises (premises selling alcohol for consumption on or off the premises and premises licensed for the provision of late night refreshment) in a given area may cause serious problems of nuisance and disorder outside or some distance from licensed premises.*

11.2 *Where there is evidence that such a problem exists, the Licensing Authority may decide it is no longer appropriate for any further Licensed premises to be established or variations to existing licences to be made in the area and that a Policy relating to cumulative impact should be adopted.*

Public Safety

I enclose some photographs of the immediate vicinity of the premises. You will notice that there is no provision at all for vehicles to stop safely in the area, such as taxi's dropping off customers. The area is bounded by railings, has double yellow lines along most of the street area, has a pedestrian crossing, with zig zag lines in close proximity and has a generally crowded lane to the rear, which has a no entry at the Ropery Lane end. In the past the premises were licensed as a workingmens club. Members tended to be drawn from the local area and walked to the premises, so the problem did not arise. I believe that public safety, especially in the area of the road crossing may well be compromised by the arrival of customers in taxis, which will inevitably have to park in restricted areas in order to allow passengers to alight.

This is an increasing problem in respect of other licensed premises in the immediate vicinity as traffic restrictions are completely ignored during the night. If the Police are unable to control that aspect of road safety already, it seems inevitable that this would be the same scenario in respect of these premises.

Public Nuisance

The objections on the basis of public nuisance can be listed as noise and parking. The Licensing Policy states:-

9.5 *Applicants should give consideration to 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 Licensing Authority 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.*

9.6 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.

In the past the Council has viewed the area in which the premises sits as mixed use. I would contend that this view should now be modified as the area has undergone marked changes. Where the old Urban district Council offices stand, right opposite the premises in question, is now a building housing flats for older people. The sprinkling of commercial premises has gradually dwindled, to the point where there is now one shop and a social club in an area of approximately 275 by 175 metres, enclosing around 191 households in 8 streets. I would suggest that the character of the area is residential, and that the proposal is out of step with the area.

With regard to noise nuisance there are clearly concerns around the provision of smoking shelters and noise pollution but also the potential for noise pollution from a flat area of roof which was previously used by the club as a terrace. This is at the rear of the premises and any noise pollution from there would impact significantly as most houses in the area have bedrooms which face in to the lane, and would therefore pick up the noise especially in the evening when there would generally be lower ambient background noise. Additionally the compressors for the previous premises were sited at first floor level. These areas are only metres away from residential properties. The hours applied for would tend to extend that noise pollution in to the early hours of the morning, especially during Bank Holidays and the Christmas and New Year periods, and will create unacceptable noise pollution for residents.

Dispersal of customers will probably be towards the Front Street, which is where the taxi ranks, food outlets and other licensed premises are. Again, this is likely to put pressure on the Wear St area which the Police have already identified as an area of concern for drinking related anti social behaviour.

Parking in the area is an issue, as currently residents in the surrounding streets can find it difficult to park and the premises has no dedicated parking facilities whatsoever. This may well contribute to further noise pollution together with impacting on public safety if either taxis are used more heavily, with accompanying noise, or cars are parked in restricted areas, further compromising safety.

I believe the application is inappropriate for a residential area and would urge the Council to consider carefully the grant of a premises licence. In the application as submitted the hours of opening applied for will have a major impact on a, currently, relatively quiet neighbourhood and will impact on the quality of life in the area, due to late night disturbance through noise and other antisocial behaviour. I believe that there is a clear Cumulative Impact in the area and that the grant of a further license will only serve to aggravate that situation.

Yours faithfully

Paul McAtominey

APPENDIX 6 - EMAIL FROM MR UNDERWOOD

From: Stephen Underwood [mailto:]
Sent: 10 April 2017 11:37
To: Karen Robson <Karen.Robson2@durham.gov.uk>
Subject: Licensing/KR

Dear Karen,

I am writing to you concerning the correspondence you have sent me recently on the above subject.

I am a little confused; from what I can gather from the two previous letters you have sent me it sounds as though I have written to you or made contact stating I am concerned about the Distillery being opened up at the Relton (1-2 Red Rose Terrace).

I haven't written anything or made any contact until now about this and was wondering if someone has or if these were just letters due to my proximity to the property. Basically if someone has written to you using my details it certainly isn't me.

I am not opposed to the opening of the Distillery, if anything I welcome it as the town needs all the business it can get.

Please get back to me as I am interested to know if someone has objected using my details.

Thank you for your time,

STEPHEN UNDERWOOD

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Notify the sender immediately by return e-mail and delete the message, along with any attachments.

Help protect our environment by only printing this email if absolutely necessary. The information it contains and any files transmitted with it are confidential and are only intended for the person or organisation to whom it is addressed. It may be unlawful for you to use, share or copy the information, if you are not authorised to do so. If you receive this email by mistake, please inform the person who sent it at the above address and then delete the email from your system. Durham County Council takes reasonable precautions to ensure that its emails are virus free. However, we do not accept responsibility for any losses incurred as a result of viruses we might transmit and recommend that you should use your own virus checking procedures.

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Like us at facebook.com/durhamcouncil

-----Original Message-----

From: Stephen Underwood [mailto:]
Sent: 10 April 2017 12:00
To: Karen Robson <Karen.Robson2@durham.gov.uk>
Subject: Re: Letter of Representation

Hi Karen,

No this is definitely not me. That is my address but as you can see I spell my name with a "ph" and that is not my signature. I'm not part of the Resident's Association.

Somebody has used my details to gain another number in objection to this and like I said in my first email I don't have a problem with this. This is why I contacted you this morning as alarm bells went off when I read your letters.

Thanks,

STEPHEN UNDERWOOD

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On 10/04/2017 11:55, "Karen Robson" <Karen.Robson2@durham.gov.uk> wrote:

Morning Mr Underwood

I have attached a copy of the letter which was received by the licensing authority.

Could you please confirm whether or not you submitted this letter. It was hand delivered in a bundle of letters from the Residents Association.

Regards, Karen

Karen Robson

-----Original Message-----

From: Stephen Underwood [mailto:]
Sent: 10 April 2017 12:12
To: Karen Robson <Karen.Robson2@durham.gov.uk>
Subject: Re: Letter of Representation

Hi Karen,

I live at the house myself and if anybody connected with me where to have written that document they would have spelled my name correctly. I think it is highly unlikely it is anybody I know or are connected with me, i.e. friends and family.

Thanks,

STEPHEN UNDERWOOD

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On 10/04/2017 12:10, "Karen Robson" <Karen.Robson2@durham.gov.uk> wrote:

Morning Mr Underwood

Thank you for your clarification. Can I ask is it possible for any other person in your household or connected with you to have written on the document.

Regards, Karen

Karen Robson
Senior Licensing Officer
Adult & Health Services

T: 03000 265104
E: karen.robson2@durham.gov.uk

Web: www.durham.gov.uk

**APPENDIX 7 – APPLICATION AMENDED FOLLOWING MEDIATION
MEETING AND LETTER FROM APPLICANT**

Karen Robson

From: Giles McCourt < >
Sent: 28 March 2017 15:07
To: Karen Robson
Subject: The Distillery - 1-2 Red Rose Terracem Chester le Street

Afternoon Karen

Thanks for your time this morning, it was certainly beneficial.

I confirm that my client now seeks to make the following amendment to his application for a Premises Licence:-

1. CCTV will be installed to the rear of the premises, to cover the refuse area and bin store;
2. The Applicant agrees to a reduction in licensable hours, the stated finishing time of 01:00 in Part A, B, C, E-I will be reduced to 23:30;
3. The premises will be open to the public from 11:00 to 00:00;
4. The Seasonal Variations stated in Part A, B, C, E-I, will be amended to read as follows

Christmas Eve/Boxing Day – 1100 until 0200, New Years Eve – 1100 until 0300, Public and Bank Holiday weekends; Friday, Saturday and Sunday – 1100 until 0200

The premises may operate with the request licensable activities until 01:00 on each occasion where a bona fide private functions (such as, but not limited to weddings, christenings, birthdays) is booked.

5. Deliveries will not be permitted between the hours of 22:00 and 08:00;
6. Bottles, cans and other drinks containers must not be decanted into the outside refuse bins, so that they cause a noise, nuisance and/or disturbance to neighbouring properties and residents between the hours 22:00 and 08:00.

Kind regards
Giles

Giles McCourt
Solicitor
Tel 0191 384 2441 Fax 0191 386 0171

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Legal solutions that fit



Venture House
Aykley Heads Business Centre

Karen Robson

From: Giles McCourt <>
Sent: 28 March 2017 17:39
To: Derek Briggs (central_res_assoc@talktalk.net)
Cc: Karen Robson
Subject: The Distillery
Attachments: Committee Members letter 28 3 17 (2).pdf

Afternoon Derek

Thank you for your time this morning. I felt that the meeting was very productive.

My clients have asked that I forward the attached letter. Could you arrange for it to be circulated around the residents please.

Thanks
Giles

Giles McCourt
Solicitor
Tel 0191 384 2441 Fax 0191 386 0171

swinburnemaddison.co.uk

swinburnemaddison[™]

Legal solutions that fit



Venture House
Aykley Heads Business Centre
Durham DH1 5TS
DX: 60206 Durham

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THE GIN SPECIALIST



1 Red Rose Terrace | Chester le Street | Co Durham | DH3 3LN

Ref: SPW/ MAW/ General / Committee Members

28 March 2017

To: Local Residents of Chester le Street & Committee Members

It was lovely to meet you all today and thank you for attending the meeting this morning to discuss the licensing of the premises of our proposed new Bar and welcomed the opportunity to discuss the local concerns.

We hope that following our discussions we put your minds at rest concerning the type of bar it is our intension to provide to the area, attracting the 25+ professionals/ social clientele, very similar to that of the Holathans bar but at a higher prestige level. We have a vested interest in the street by being from the local area, having a successful day time business and wanting to help improve the local High Street, attract more businesses and people from out of the area to help regenerate more jobs, venues and overall choice to the local area.

We are being very selective of the type of beverages in which we will be providing; spirits, real ales, premium beers, gin specialist, with a view to being very attractive during the day for those who wish to meet socially or for business with a selection of non-alcoholic drinks and food platters | scones etc.

Our aim is to operate a high quality destination venue recreating a sophisticated ambience with background music. We will not run any drinks promotions that would encourage binge drinking. The products and our pricing structure will be such that we will not attract the younger market. We are personally doing a lot of the building works to improve the pub and investing a substantial amount of money into the lighting, furniture and upholstery which we hope to maintain over a long period of time. During non-busy periods we aim to provide a table service for all our customers.

The original side door entrance for the old Relton will not be used, instead a new front doorway will be installed to the front of the premises. The upstairs area of the old club may at a later date be opened up to mirror our setting in a restaurant form and the side door will be their separate entrance.

Our intention over the coming months will be to hopefully set up Gin | Whiskey | Rum Evenings for those who wish to learn more about the produce and encourage social interaction.

We have previously met with the Police and we have been informed we have their full backing and look forward to working with. The feedback we have received from the rest of the community has been exceedingly overwhelming as they are welcoming something a little more upmarket which they are not going to have to travel further afield to enjoy and hopefully as a lot of investment has gone into Chester le Street over the recent years and it would be great to encourage more.

We are currently recruiting experienced staff who are trained and knowledgeable in the bar industry, understand the beverages and can manage their clientele effectively.

continued/....

After our discussions today we have agreed to:

- Install 2 x cameras at the back of the premises with signage to help prevent any misgoings in the alleyway and main road.
- Our licensing on a Bank Holiday Monday will ensure the pub is closed a 12 midnight.
- Our opening hours will be from 11am – 12 am, however we expect to be closing around the normal hours of 11:30, with the occasional time of opening until 1am for a main event or party hosting
- Bottle emptying times will be restricted to non emptying between the hours of 10pm – 8am
- Deliveries into the premises will be restricted to not before 8am

We would be very appreciative if your comments could be cascaded to your other members of the committee, which hopefully lighten their concerns to withdraw their opposition and agree for the license to be permitted. We look forward to seeing you again and the opportunity to welcome and host you into our new bar.

Yours sincerely

Scott & Jill Walker
Director

Mark Worthy
Director

APPENDIX 8 – STATEMENT OF LICENSING POLICY

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

7.0 The Prevention of Crime and Disorder

7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.

7.2 As a matter of policy, the Licensing Authority will require 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 or in a smoking shelter.

7.3 The Licensing Authority recommends that all applicants 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. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit 14 television in certain premises should be considered by applicants, licencees and event organisers when addressing this issue.

7.4 The Licensing Authority encourages Personal Licence holders to actively participate in established "Pubwatch" schemes, where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "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.

7.5 The Licensing Authority recognises and promotes effective and responsible management of all licensed and authorised premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are considered to be among the most important control measures for the achievement of all Licensing Objectives. The Licensing Authority will take a positive view of anyone who invests in appropriate training, and in particular nationally accredited qualifications tailored to the Licensing sector. Training records should be kept available for inspection by all enforcement agencies.

7.6 The application for premises licence must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years.

7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or

issues arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. The Licensing Authority 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 is 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.

7.8 The Licensing Authority 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 particular premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular 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.

7.9 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.

7.10 The numbers of licensed door supervisors, both male and female, required at any premises will be dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.

7.11 In addition to the requirement of the Licensing Authority to promote the Licensing Objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can do to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

7.12 Toughened/Safety Glass Policy: 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 to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context.

7.13 Drugs/Knives/Weapons: The Licensing Authority 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 within the

premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority 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.

8.0 Public Safety

8.2 Applicants are advised to seek advice on such matters from the Council's Occupational Safety and Health team, Health and safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service, and incorporate any recommendations in their Operating Schedule before submitting their applications.

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

9.0 Prevention of Public Nuisance

9.1 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 in the vicinity of the premises.

9.2 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 Licensing Authority 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.

9.3 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 local 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, appropriate signage requesting customers to consider local residents and monitoring of such areas by staff.

9.4 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 consents will often be required. Enquiries for such consents should be made to the Council's Highway's Section of the Regeneration and Economic Development Department. In predominantly commercial areas such as shopping centres the Licensing Authority, 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.

9.5 Applicants should give consideration to 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 Licensing Authority 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.

9.6 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.

9.7 Applicants are advised to seek advice from Durham County Councils Environmental Health Team and incorporate any recommendations in their Operating Schedule before submitting their applications.

9.8 Takeaways and fast-food outlets: The Licensing Authority 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 provide notices displayed advising customers of the location of bins and patrons should use the bins any provided.

APPENDIX 9 – SECTION 182 GUIDANCE

S182 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. 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.

S182 GUIDANCE – PUBLIC SAFETY

2.6 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.

2.7 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 2.11-2.12, 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).

2.8 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 (8.33-8.41), 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

2.9 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

2.10 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

2.11 “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.

2.12 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.13 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.

S182 GUIDANCE – PUBLIC NUISANCE

2.14 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.

2.15 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.

2.16 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 15). 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.

2.17 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.

2.18 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.

2.19 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.

2.20 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.