

Statutory Licensing Sub-Committee

22nd January 2018

Application for the variation of a

Premises Licence

Ordinary Decision



Report of Ian Thompson, Corporate Director of Regeneration and Local Services

Councillor Brian Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships

Electoral division(s) affected:

Elvet and Gilesgate

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the variation of a premises licence for Bar 33, First Floor, 29-33 Neville Street, Durham City, DH1 4EY.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application is for the variation of an existing premises licence for Bar 33, Neville Street, Durham to extend the hours for opening and all licensable activities on a Sunday. To add seasonal variations in respect of New Year's Eve and British Summer Time. Two letters of representation were received, one from Durham Parish Council and one from a local resident, Mr McKeon. Durham Parish Council withdrew their representation and Mr McKeon's representation remains.
- 4 Durham Constabulary, Durham County Council Local Safeguarding Children Board, and Environmental Health have responded to the consultation with no comments.
- 5 The Planning Authority commented on the application in relation to planning legislation. This has been forwarded to the applicant for their information.

Recommendation(s)

- 5 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 6 The Sub-Committee is recommended to give appropriate weight to:
- (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations (including supporting information) presented by all parties;
 - (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 6.
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 7.

Background

- 7 Background information

Applicant	33 Durham Limited	
Type of Application: Variation of a premises licence	Date received: 28th November 2018	Consultation ended: 26th December 2018

Details of the application

- 8 An application for the variation of a premises licence was received by the Licensing Authority on 26th November 2018. A copy of the application is attached at Appendix 3, this includes a copy of the existing premises licence for information purposes.
- 9 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 10 The current licensable activities are as follows:

Current Licensable Activities	Days & Hours
Supply of Alcohol (on sales only)	Monday to Saturday 11:00 hrs -02:00 hrs Sunday 12:00 hrs -22:30 hrs
Late Night Refreshment (indoors)	Monday to Saturday 23:00 hrs -02:00 hrs

Live Music (indoors)	Monday to Saturday 11:00 hrs -23:00 hrs Sunday 12:00 hrs -22:30hrs
Films Indoors & Recorded Music Indoors	Monday to Saturday 11:00 hrs -02:00 hrs Sunday 12:00 hrs -22:30 hrs
Opening Hours	Monday to Saturday 11:00 hrs -02:30 hrs Sunday 12:00 hrs -23:00 hrs

- 11 The applicant has proposed conditions and the steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application form.
- 12 The applicant has requested the following, see below:

Proposed Licensable Activities	Days & Hours
Supply of Alcohol (on sales only)	Sunday 12:00 hrs -02:00 hrs
Late Night Refreshment	Sunday 23:00 hrs -02:00 hrs
Live Music (indoors)	Sunday 12:00 hrs – 23:00 hrs
Films Indoors & Recorded Music Indoors	Sunday 12:00 hrs -02:00 hrs
Opening Hours	Sunday 12:00 hrs -02:30 hrs

The Representations

- 13 The Licensing Authority received two letters of representation, one from Durham Parish Council and one from Mr McKeon (other person) during the consultation period. Durham Parish Council withdraw their representation following a meeting with the Designated Premises Supervisor. Mr McKeon's letter of representation remains.
- 14 The Licensing Authority deemed the representations as relevant, relating to the following licensing objectives:
- The Prevention of Crime and Disorder

- The Prevention of Public Nuisance

A copy of the outstanding representation is attached as Appendix 4.

- 15 Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the application:

- Durham Constabulary
- Durham County Council's Local Safeguarding Children Board
- Durham County Council's Environmental Health Department

Copies of these responses are attached at Appendix 5.

The licensing authority received a letter from the Planning Authority, not amounting to a representation and this has been forwarded to the Applicant for their information.

The Parties

- 16 The Parties to the hearing will be:

- 33 Durham Limited - (Applicant)
- Mr Matt Foster (Applicant's Solicitor)
- Mr McKeon (Other person)

Options

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

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

Main implications

Legal Implications

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

See Appendix 1.

Consultation

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

See Appendix 1

Conclusion

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

Background papers

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

Other useful documents

- None

Contact: Karen Robson

Tel: 03000 265104

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

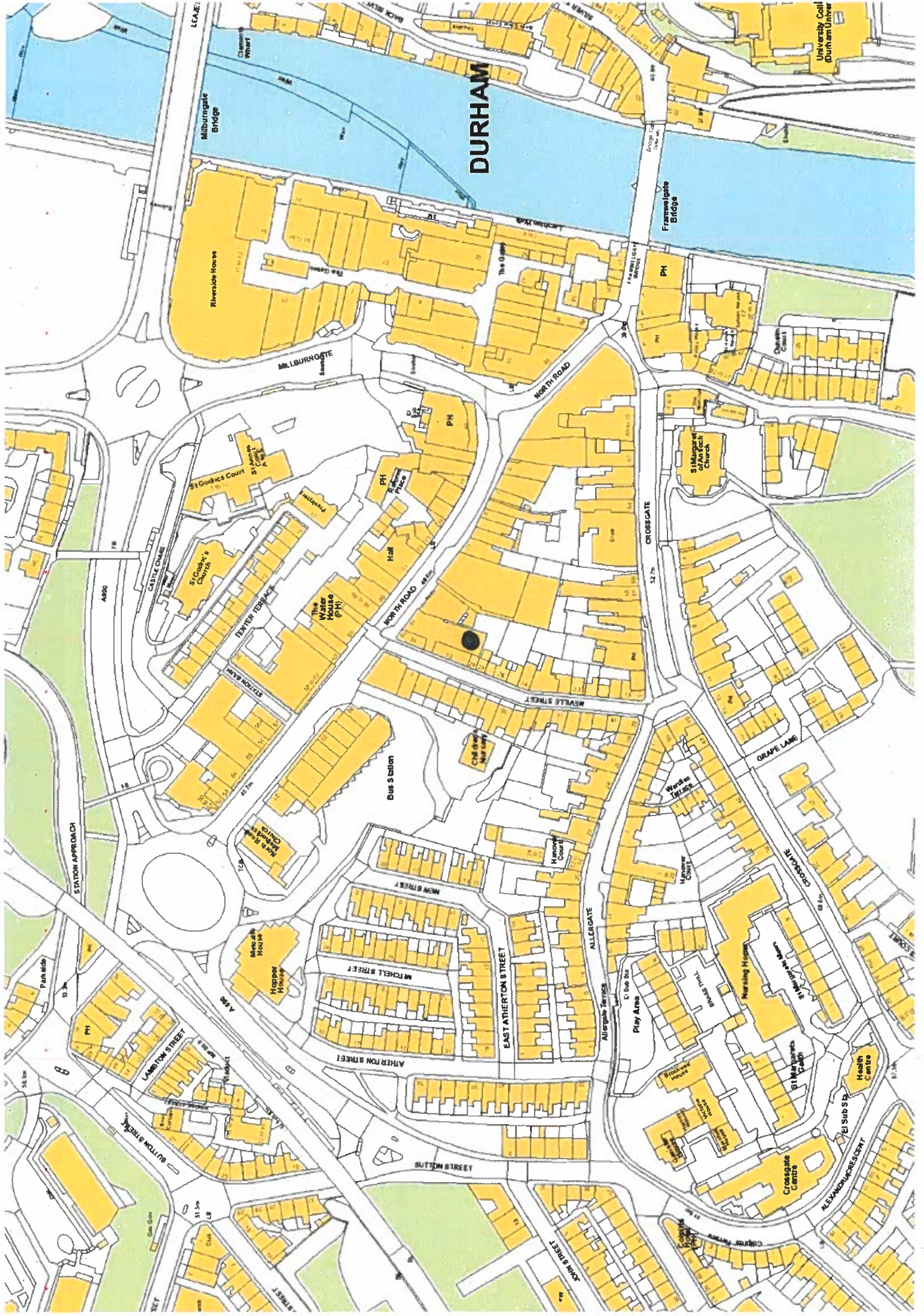
The Responsible Authorities were consulted on the application.

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

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

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

Appendix 2: Location Plan



DURHAM

University Coll
Durham Univer

LCALB

Millburhgate
Bridge

Frankelgate
Bridge

Riverside House

MILLBURHGATE

NORTH ROAD

St George's
Church

St Margaret
of Antioch
Church

St George's
Church

The Water
House (PH)

RECTOR ROAD

NEW HOLDS

Bus 5 station

NEW STREET

EAST ATHONTON STREET

MATCHELL STREET

ATHERTON STREET

SUTTON STREET

ALLEGATE

Play Area

Nursing Home

Crossgate
Centre

Health
Centre

ST MARGARET'S
CHURCH

ALSMONDRECKY

STATION APPROACH

LAMBTON STREET

SUTTON STREET

SKIN STREET

GRAPE LANE

CROSGATE

CROSGATE

EL SUB ST

EL SUB ST

ASPO

TOP

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Appendix 3: Application



* required information

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

System reference

Not Currently In Use

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

Your reference

MEF33D1FIRST

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

Jamie

* Family name

Wyatt

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

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

Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes No

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

Registration number

Business name

33 Durham Limited

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

VAT number

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

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

An agent that is a business or organisation, including a sole trader

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

A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House?

Yes

No

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business Partner

Home country United Kingdom

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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APPLICATION DETAILS

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

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

*Premises Licence Number LAPRE/08/0066

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name Bar 33, First Floor, 29-33

Street Neville Street

District

City or town Durham

County or administrative area Country Durham

Postcode DH1 4EY

Country United Kingdom

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

8,700

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VARIATION

Do you want the proposed
variation to have effect as
soon as possible?

Yes

No

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

Yes

No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

To extend the hours for opening and all licensable activities on a Sunday. To add late night refreshment on a Sunday. To add seasonal variations in respect of New Year's Eve and British Summer Time.

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PROVISION OF PLAYS

See guidance on regulated entertainment

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

Yes

No

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PROVISION OF FILMS

See guidance on regulated entertainment

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

Yes

No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors Outdoors Both

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

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

State any seasonal variations for the exhibition of film.

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

Continued from previous page...

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

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

The premises will be permitted an additional hour of activities and opening hours on the day on which the clocks go forward for British Summer Time.

To extend the hours for the sale of alcohol from the finish time on New Year's Eve to the start time on New Year's Day.

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

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

Yes

No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

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

Yes

No

Section 8 of 18

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

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

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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

Continued from previous page...

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

Indoors

Outdoors

Both

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

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

State any seasonal variations for the performance of live music

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

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

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

The premises will be permitted an additional hour of activities and opening hours on the day on which the clocks go forward for British Summer Time.
To extend the hours for the sale of alcohol from the finish time on New Year's Eve to the start time on New Year's Day.

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Continued from previous page...

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

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

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Start

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FRIDAY

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End

Start

End

SATURDAY

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Start

End

SUNDAY

Start

End

Start

End

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

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

Indoors Outdoors Both

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

State any seasonal variations for playing recorded music.

Continued from previous page...

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

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

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

The premises will be permitted an additional hour of activities and opening hours on the day on which the clocks go forward for British Summer Time.
To extend the hours for the sale of alcohol from the finish time on new Year's Eve to the start time on New Year's Day.

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

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

Yes No

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

See guidance on regulated entertainment

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

Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

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

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start 23:00

End 02:00

Start

End

WEDNESDAY

Start 23:00

End 02:00

Start

End

THURSDAY

Start 23:00

End 02:00

Start

End

FRIDAY

Start 23:00

End 02:00

Start

End

SATURDAY

Start 23:00

End 02:00

Start

End

SUNDAY

Start 23:00

End 02:00

Start

End

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

- Indoors Outdoors Both

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

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

State any seasonal variations.

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

Continued from previous page...

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

The premises will be permitted an additional hour of activities and opening hours on the day on which the clocks go forward for British Summer Time.

To extend the hours for the sale of alcohol from the finish time on New Year's Eve to the start time on New Year's Day.

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SUPPLY OF ALCOHOL

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

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

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End

SUNDAY

Start

End

Start

End

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

Continued from previous page...

Will the sale of alcohol be for consumption?

On the premises Off the premises Both

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

State any seasonal variations.

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

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

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

The premises will be permitted an additional hour of activities and opening hours on the day on which the clocks go forward for British Summer Time.
To extend the hours for the sale of alcohol from the finish time on New Year's Eve to the start time on New Year's Day.

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ADULT ENTERTAINMENT

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

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

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

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FRIDAY

Start

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SATURDAY

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SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

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

The premises will be permitted an additional hour of activities and opening hours on the day on which the clocks go forward for British Summer Time.

To extend the hours for the sale of alcohol from the finish time on new Year's Eve to the start time on New Year's Day.

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

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

The premises licence is currently with the licensing authority for a minor variation.

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LICENSING OBJECTIVES

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

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

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

We do not consider that any additional measures are required on the premises licence in order to promote the licensing objectives.

b) The prevention of crime and disorder

As per conditions

c) Public safety

As per conditions

d) The prevention of public nuisance

As per conditions

e) The protection of children from harm

As per conditions

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

Address

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

DECLARATION

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

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

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

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

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

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

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

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



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

LAPRE/08/0066
24 November 2005
24 November 2018

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>BAR 33 29-33 NEVILLE STREET DURHAM CITY DH1 4EY</p>	<p>DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
<p>Telephone number: 0191 3842685</p>	

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

<p>Licensable activities authorised by this licence Films Live Music Recorded Music Late Night Refreshment Sale by retail of alcohol</p>
--

Opening Hours of the Premises		
Mon	11:00-02:30	Non-standard/seasonal timings N/A
Tue	11:00-02:30	
Wed	11:00-02:30	
Thu	11:00-02:30	
Fri	11:00-02:30	
Sat	11:00-02:30	
Sun	12:00-23:00	

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

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

<p>Films Indoors</p> <p>Mon 11:00-02:00 Tue 11:00-02:00 Wed 11:00-02:00 Thu 11:00-02:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 12:00-22:30</p>	<p>Further details</p> <p>N/A Non-standard/seasonal timings N/A</p>
<p>Live Music Indoors</p> <p>Mon 11:00-23:00 Tue 11:00-23:00 Wed 11:00-23:00 Thu 11:00-23:00 Fri 11:00-23:00 Sat 11:00-23:00 Sun 12:00-22:30</p>	<p>Further details</p> <p>N/A Non-standard/seasonal timings N/A</p>
<p>Recorded Music Indoors</p> <p>Mon 11:00-02:00 Tue 11:00-02:00 Wed 11:00-02:00 Thu 11:00-02:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 12:00-22:30</p>	<p>Further details</p> <p>N/A Non-standard/seasonal timings N/A</p>
<p>Late Night Refreshment Indoors</p> <p>Mon 23:00-02:00 Tue 23:00-02:00 Wed 23:00-02:00 Thu 23:00-02:00 Fri 23:00-02:00 Sat 23:00-02:00</p>	<p>Further details</p> <p>N/A Non-standard/seasonal timings N/A</p>
<p>Sale by retail of alcohol</p> <p>Mon 11:00-02:00 Tue 11:00-02:00 Wed 11:00-02:00 Thu 11:00-02:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 12:00-22:30</p>	<p>Further details</p> <p>N/A Non-standard/seasonal timings N/A</p>

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
33 DURHAM LTD	
Registered number of holder, for example company number, charity number (where applicable)	
Company no:	
Charity no:	

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

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

Annex 1 – Mandatory conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

The responsible person must ensure that -

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

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

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

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

Minimum Price of Alcohol:

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

2 For the purposes of the condition:

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

(b) "permitted price" is the price found by applying the formula -

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

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

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

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

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

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

Mandatory condition: door supervision

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

Mandatory condition: exhibition of films

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

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

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

Annex 2 – Conditions consistent with the premises Operating Schedule

General

None

The Prevention of Crime & Disorder

Initial staff training to be carried out by the DPS or an approved member of staff to ensure that no alcohol is sold to anyone underage. Refresher training to be carried out every 6 months. Training records are 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 upon reasonable lawful request. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality. The system: shall encompass the inside and outside of all entrances and exits to the premises, the stairwell and all areas inside the premise where the sale/supply of alcohol occurs. must be maintained in good working order, be correctly time and date stamped. Recordings must be kept in date order, numbered sequentially and kept for a period of 28 days. 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 a recordable format, either onto a disc, hard drive or memory stick to the police. This will be made available to the local authority within a reasonable timescale agreed between the officer and appointed person upon receipt of a lawful request. The recording equipment, and means of transferring the recordings shall be kept in a secure environment under the control of the DPS or other appointed member of staff. An operational weekly CCTV log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant with the premises licence conditions. In the event of any failings, actions taken are to be recorded.

At least one door supervisor is required on the below days and times:-

Wednesdays during University team time - 22:00hrs to 01:00hrs Friday 22:00hrs to 02:00hrs and Saturday 21:00hrs to 02:00hrs

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.

Public Safety

Fire exits and equipment clearly marked

Staff training will include health and safety

First Aid facilities will be available An incident log will be kept at all times

The Prevention of Public Nuisance

Door and windows will be kept closed whilst live music is being played except for access and egress.

The Protection of Children from Harm

A proof of age policy shall be 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 ID. A refusal register will be kept and endorsed after every sale of alcohol and entry to the premise refused. This is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales)

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

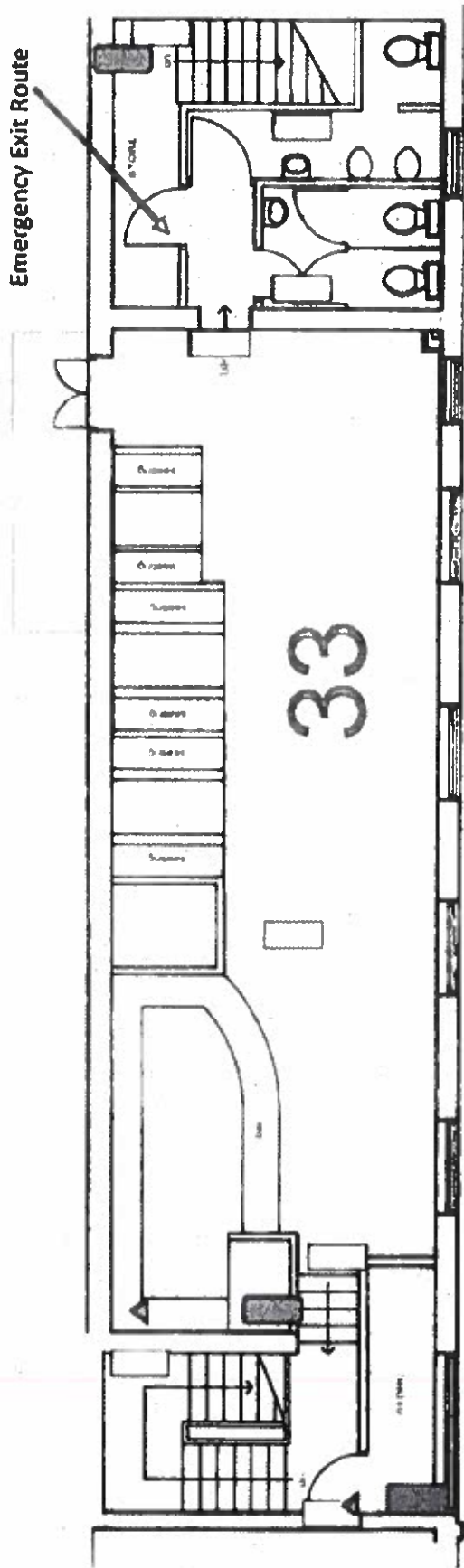
None

Annex 4 – Plans attached




Attached

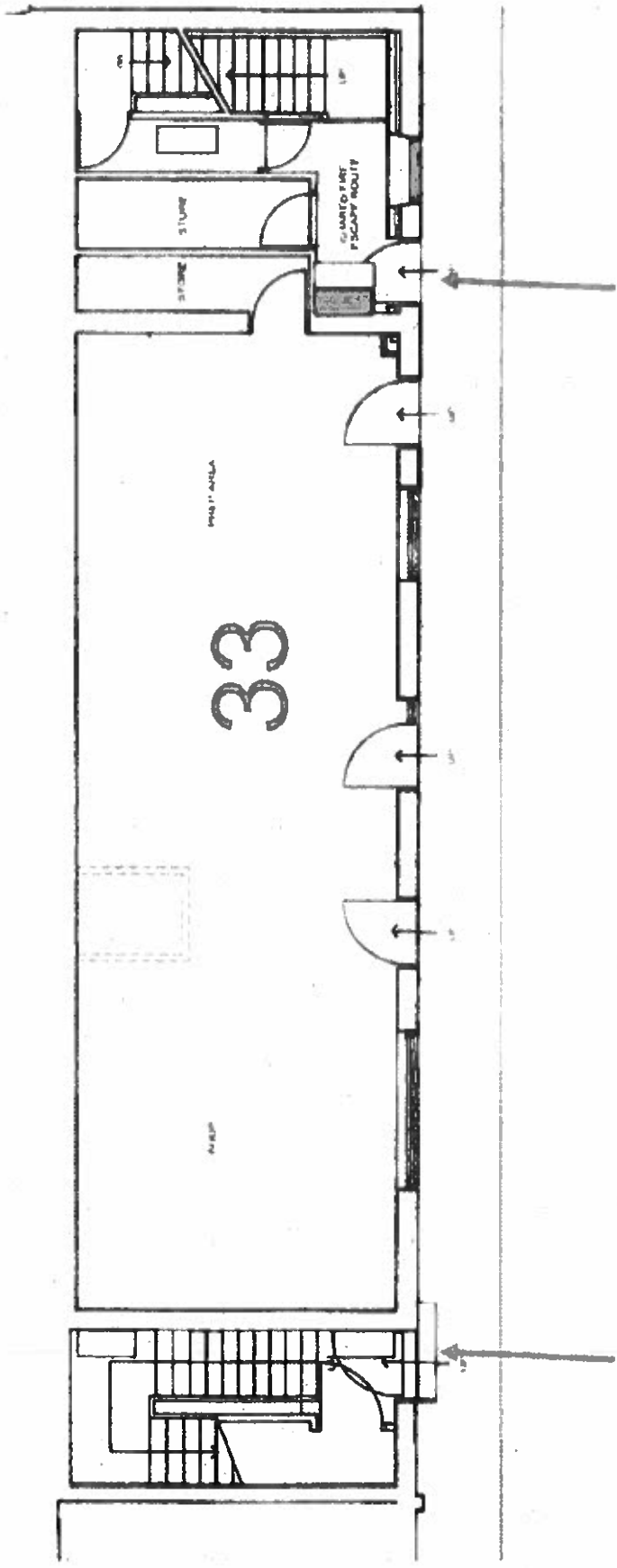
C

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



**Bar 33 Durham -- First Floor 29-33 Neville Street, Durham, DH1 4EY
FIRST FLOOR**

Legend	
Symbol	Description
	Emergency Lighting
	Break Glass Fire Alarm Call Point
	Fire Extinguisher



Emergency Exit

**Bar 33 Durham – First Floor 29-33 Neville Street, Durham, DH1 4EY
GROUND FLOOR/ACCESS TO/FROM NEVILLE STREET**

Main Entrance/Exit

Appendix 4: Representation

From: b mckeon
Sent: 25 December 2018 21:58
To: AHS Licensing
Subject: Re Application to vary a premises licence

An application in the name of 33 Durham Limited for a business called Bar 33, situated at The First Floor, 29-33 Neville Street, Durham DH1 4EY to vary a premises licence issued a number of years ago to a business with another name, namely, The Fishtank.

I wish to oppose this new application in every respect.

I have lived in this street for over thirty years and I am now the last remaining permanent resident living in the street, the remaining residents being in the main students.

I am a member of the Crossgate Community Partnership which amongst other things is concerned with trying to protect the remnant quality of life in this area of Durham City even though we are now fighting in the main for the quality of life of our transitory population, namely the students, since they rarely spend more than a year in the same address.

The licensed premises in question is situated in a densely packed area of student accommodation in mainly terraced housing at the bottom of a narrow steep street in the centre of Durham City.

There are over a hundred students living in the street and something like 10 students in the house next door to Bar 33 (Ruby House) alone, about 6 in no. 28, the other side of Bar 33 and 6 next-door to no. 28 in no. 26 etc..

The owner of Bar 33 has already obtained a late night licence for another club in the basement of the same property and a further late night licence for a third premises on the ground floor, called Stantons, selling hot food on some nights until as late as 3.00 a. m..

This late night hot food business is a source of particular annoyance to those living around it as it results in at least some of the customers hanging about the narrow street making considerable noise whilst consuming their purchase even after 3.00 a. m..

This late night disturbance has forced me to sleep in the bathroom at the back of my house in order to avoid that source of late night disturbance.

Many of the students who will be affected by the proposed extension of the licence are already being disturbed by the late night noise emanating from two further nightclubs, The Union Bar and The Loft operating just behind Bar 33.

Basically Neville Street is predominantly a densely populated residential street and the last place where late night should ever have been granted never mind being extended.

Yours sincerely
E McKeon
Neville St
Durham
DH1 4EY

Appendix 5: Responses from Responsible Authorities

From: Daniel Darnton < >
Sent: 03 December 2018 10:33
To: Karen Baker
Subject: FW: Licensing - Variation of premises licence Bar 33, First Floor 29 – 33 Neville Street Durham DH1 4EY
Attachments: Bar 33 Full premises licence variation 28.11.2018.pdf

Good Morning,

Durham Constabulary have no objections to the below application.

Thanks
Dan

Daniel Darnton
Harm Reduction Unit
Meadowfield Office
Darlington Office tel



Durham Constabulary
Altogether Better Policing

From: Mark Quinn
Sent: 03 December 2018 11:24
To: Karen Baker
Cc: AHS Licensing
Subject: Received - Variation of premises licence Bar 33

Good Morning

I have received an application to vary a licence for the establishment: Bar 33, First Floor 29 – 33 Neville Street Durham DH1 4EY

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

My Ref: SB/2018/173

Thanks

Mark Quinn
Quality and Performance Coordinator
Durham Local Safeguarding Children Board

Tel. (

County Hall
Durham
DH1 5UJ

From: Ted Murphy
Sent: 30 November 2018 14:45
To: Karen Baker
Subject: RE: Licensing - Variation of premises licence Bar 33, First Floor 29 – 33 Neville Street
Durham DH1 4EY

Hi Karen,

I have no objection to the variation

Regards

Ted Murphy
Senior Environmental Health Officer
Regeneration and Local Services

T: 1

E: 1

Web: www.durham.gov.uk

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Like us at facebook.com/durhamcouncil

From: Susan Hyde
Sent: 29 November 2018 15:45
To: Karen Baker
Subject: CON28/18/02892 29 - 33 Neville Street, Durham Application to vary a premises licence.

Hello Karen,

Re CON28/18/02892 29 - 33 Neville Street, Durham Application to vary a premises licence.

Planning permission was granted for the conversion of the basement for an A4 drinking establishment under planning permission 4/13/00579/FPA and DM/15/01026/VOC.

A planning condition on the consent restricted opening hours to the following:

In accordance with the submitted planning application forms the use of the premises as a drinking establishment shall be limited to the hours between 11.00am - 2.00am Monday - Saturday and 12.00noon - 11.00pm on Sunday and Bank Holidays and at no other time.

Reason: In the interests of residential amenity in accordance with Policies S10 and H13 of the City of Durham Local Plan 2004.

As such although officers do not object to the licence a variation on planning condition is required to extend the opening hours in line with the proposed licence. I would be pleased if you could inform the applicant that a planning application is required to amend the opening hours.

Kind Regards,

Susan

Susan Hyde
Planning Officer
Central and East Area Office
Durham County Council

Appendix 6: 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, licensees 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 dependent 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.

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

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 7: Section 182 Guidance

Crime and disorder

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

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

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

Public nuisance

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

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