

Statutory Licensing Sub-Committee

19th March 2019

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:

Sedgefield

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the variation of a premises licence for The Pickled Parson, 1-2 The Square, Sedgefield, TS21 2AB.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The Statutory Licensing Sub Committee determined a variation application on 7th September 2018 for The Pickled Parson, Sedgefield whereby members stipulated conditions to be attached to the premises licence. One of those conditions was in relation to the removal of the benches outside the premises. (See Appendix 3 – committee minutes). Subsequently the applicant submitted a minor variation application on 13th November 2018 to remove the condition in relation to the benches outside the premises. This application was refused by the Licensing Department following comments in opposition to the proposal. A further full variation application was submitted on 24th January 2019 to remove the condition in relation to the benches outside the premises. Three letters of representations have been received, two in opposition, namely Sedgefield Town Council and Mr Melvyn Carr and one from Cllr Makepeace who stated he had no objection.
- 4 Durham Constabulary, County Durham & Darlington Fire Rescue Service, Durham County Council's Public Health Department, Durham County Council's Environmental Health Department and

Durham County Council Planning Department responded to the consultation with no comments.

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) Durham County Council's Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 7.
 - (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 8.

Background

- 7 Background information

Applicant	Crown Alderney Ltd	
Type of Application: Variation of a premises licence	Date received: 24th January 2019	Consultation ended: 22nd February 2019

Details of the application

- 8 An application for the variation of a premises licence was received by the Licensing Authority on 24th January 2019 as detailed below. See Appendix 4. This includes a copy of the existing premises licence for information purposes.

The removal of a premises licence condition determined by Statutory Licensing Sub Committee members on 7 th September 2018
Benches to be removed each night when the premises are closed.

The applicant has stated that the benches are large cumbersome commercial benches that are both extremely heavy to lift and are too large to store anywhere inside the premises. Residents were concerned about anti-social behaviour 'resulting from the benches' but these concerns should be relieved as the property has had no reports regarding anti-social behaviour centred around the seating, both historically and more importantly, since the licensing committee meeting on 7/9/18. It is believed that this condition was suggested in error, confusing it with another premises during the same hearing.

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

The Representations

- 10 The Licensing Authority received three letters of representation during the consultation period, two in opposition to the application, namely Sedgfield Town Council and Mr Melvyn Carr and one from Cllr Makepeace who stated he had no objection.
- 11 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 representations are attached as Appendix 5.

- 12 Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the application:
- Durham Constabulary
 - County Durham and Darlington Fire Rescue Service
 - Durham County Council's Public Health Department
 - Durham County Council's Environmental Health Department
 - Durham County Council's Planning Department

Copies of these responses are attached at Appendix 6.

The Parties

13 The Parties to the hearing will be:

- Mr Aaron Fisher (Applicant's Agent)
- Sedgefield Town Council (Other persons)
- Mr Melvyn Carr (other persons)
- Cllr Makepeace (other person)

Options

14 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

15 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

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

See Appendix 1

Conclusion

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

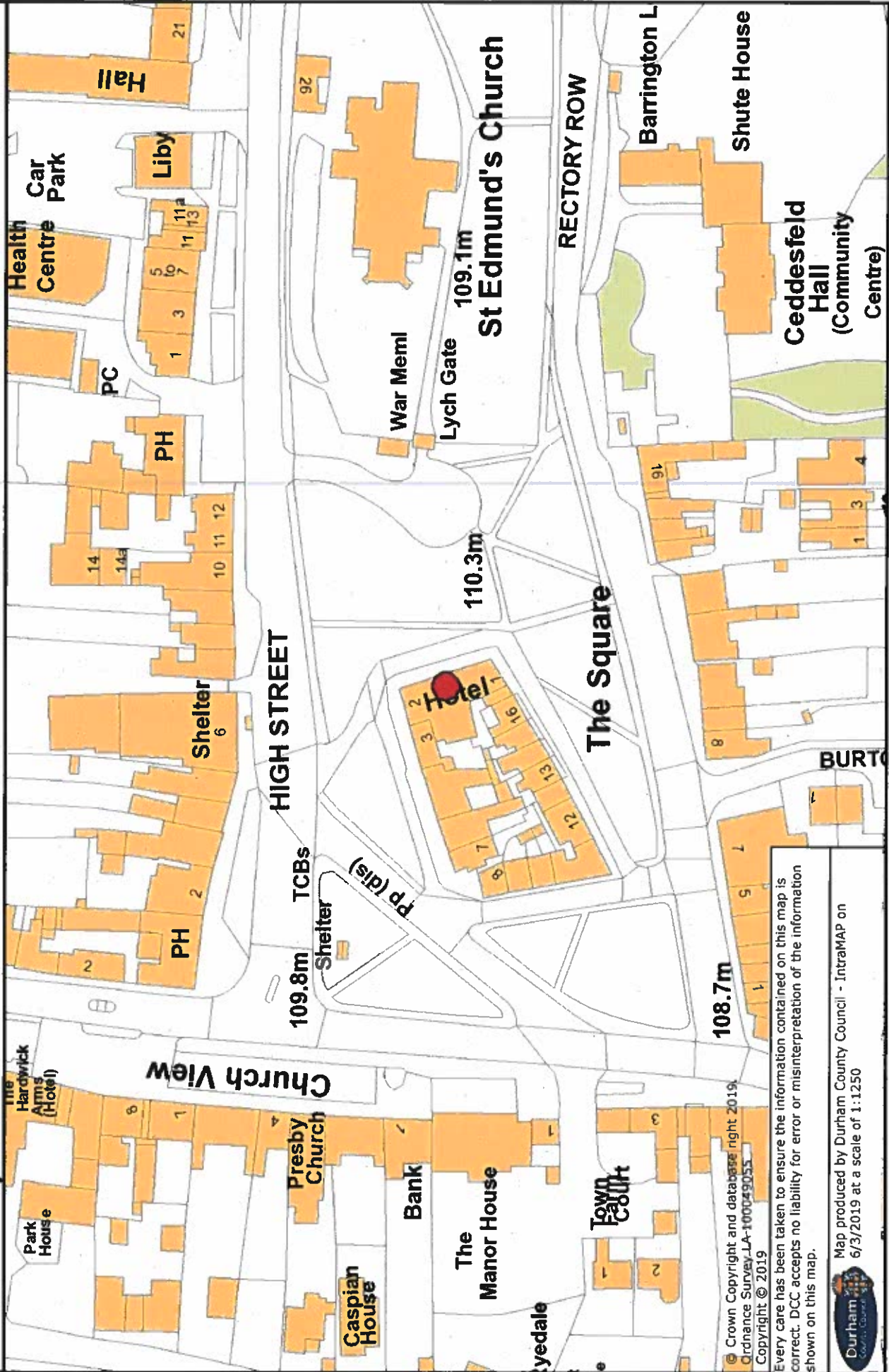
The notice of application was displayed on the premises for a period of 28 days.

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

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

Appendix 2: Location Plan

Durham County Council - IntraMAP



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

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Appendix 3: Minutes of Statutory Licensing Sub Committee

7th September 2018

Agenda item

Application to Vary a Premises Licence - The Pickled Parson, 1-2 The Square, Sedgefield

- Meeting of Special, Statutory Licensing Sub-Committee, Friday 7 September 2018 10.00 am (Item 6.)

Minutes:

Councillors D Bell, J Blakey and J Maitland

The Committee considered a report of the Senior Licensing Officer regarding an application to vary a premises licence in respect of The Pickled Parson, 1-2 The Square, Sedgefield (for copy see file of Minutes).

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

The Senior Licensing Officer advised Members that the application was to extend the current hours for the sale of alcohol, regulated entertainment and late-night refreshment to 12.00 Midnight and to amend the premises plan due to internal layout changes.

Representations had been received from fourteen people during the consultation period, one in support of the application and the remainder from other persons objecting to the application. One of the objectors had withdrawn their objection after receiving clarification of the details of the variation application. The remaining twelve objections related to the four licensing objectives.

Responses were received from Durham Constabulary, Planning Authority, Durham Local Safeguarding Children Board, Fire Safety Authority and Environmental Health Authority confirming that they had no comments to make on the variation.

Mr Carr an Other Person, wished to object to the extension of the hours and area of sales applied for. He stated that the premises was a grade II listed building in a residential conservation area with an elevated position that created an echo. He referred to the late evening and night disturbance and he had photographs to show where the premises were located in relation to the residential properties and that his property adjoined The Pickled Parson. Alcohol was currently served up to midnight which would be consumed less than one metre from his window. The external area for the consumption of alcohol was a public footpath which could probably cause an accident.

Mr Carr then referred to the change of use for the existing internal areas which does not mention external areas on the application, yet it shows that they propose to serve alcohol to the external area of the building. He indicated that this is disturbing him and he referred to the latest premises guidance that requires an application to describe

the premises, the type of premises, general layout and other relevant information and any areas they intend to use for the consumption of alcohol such as outside areas. He presumed the Applicant was intending to sell alcohol outside the building but the application was for indoors only which was confusing.

Mr Taylor on behalf of the Applicant confirmed that they had not applied for anything next to Mr Carr's property.

Mr Carr then queried if the plan had changed as the plan in the papers included a shaded area next to his property.

Mr Taylor explained that the first application was withdrawn and when it was resubmitted, a new plan was included with the application.

The Senior Licensing Officer confirmed that the plan that was submitted with the application was the plan in the report pack and that there were no licensable activities to take place outdoors. The Applicant was asked to provide a copy of the plan he was referring to, a copy of which was provided to all parties at the hearing.

The two plans were compared and the plan the Applicant had provided included a blue shaded area outside the premises, however, this area was included within the licensable activities taken place on the premises. The Applicant was advised that their application only related to licensable activities indoors and therefore the area should be the boundary of the building as set out on the plan in the report pack.

The Applicant agreed that the application was for indoor only and agreed to revert to the plan in the report. All parties were advised to use the plan in the report but ignore the blue shaded area in front of the bay windows as this was no longer part of the outside area.

Councillor Darkes sought clarification if there was late night entertainment outside. The Applicant confirmed that there was no external activities just the consumption of alcohol.

Mr Carr continued with his representations and stated that he understood that it was public knowledge that Sedgefield Town Council owned the area of land outside the premises. The Town Council had requested the Applicant to remove the benches and seats 6 months ago and had taken legal advice.

The Applicant responded that the land had previously belonged to the premises. A letter had been sent to the premises when it was closed regarding the land ownership and if no response was received the land would be transferred. As the premises were closed no response was provided so they were currently taking legal action to have the land reverted back to the pub.

The Council's Solicitor advised the Sub-Committee that the land ownership was a separate matter and was not for the licensing authority to determine today.

Mr Carr then continued that the Applicant was wanting to extend the licence to midnight but what it does not do is stop people leaving at 12.30 am or 1.00 am which would cause more late night disturbance. They already suffer from late night disturbance with bin bottles being carried across the road as they run two premises in conjunction, which he believed they were going to address.

He then referred to the house across the square who had submitted a representation about the noise levels. Residents were complaining about the noise with the licence at 11.00 pm and where the premises is situated around the square made it difficult for residents.

Mr Carr stated that the residents of number 16 were having more problems than him and that they were also attached to the premises. He then referred to public transport which was limited so taxis and cars were using the access road which was causing noise and disturbance late at night. If the application was granted, then 11.00 pm would be 12.00 midnight and the noise would be even later and indicated that this was referred to in one of the letters of objection. There had been noise issues in the past when the premises had tried other types of music which they also wished to extend. His property was attached to the premises and Environmental Health had previously been involved as they were advised that the noise was a statutory nuisance and any extension to the hours would increase the noise problems.

Mr Carr stated that Councillor Makepeace said that historically the premises had enjoyed an appropriate licence whereas Mr Carr stated that they should leave the hours as they are. Staff come with their own transport and the guidelines recommended that the Applicant should only apply for the hours they intended to operate so he was concerned they would operate 7 days a week up to midnight.

Mr Carr wished the Applicant well and indicated that he had no objection to a Sunday to 10.30 pm and midnight on a Friday and Saturday but they wanted to extend the hours for the rest of the week. He was concerned that they served outside the premises, he showed the plan of the areas so that Members could see how close the houses were to the premises and that there was an issue with taxis.

Mrs Swindale an Other Person addressed the Sub-Committee and referred to the beer garden and sought clarification on what time people will stop being served alcohol outside.

The DPS responded that they currently stopped serving outside at 9.30 pm and generally people don't sit outside any later.

Mrs Swindale then referred to the location which is lovely but there was a risk of a congregation from one pub to another and the residents were currently bothered by noise. She would like to see conditions on the outside area to prohibit the use after a certain time as voices and noise does travel and there were a number of older residents. She did object to the outdoor area and needed to be more assured, they were not a bunch of whiners, but they needed to get the balance right. She indicated that they served beer, but the public could not moderate. They were affected by the

Cornerhouse and the Impeccable Pig so they needed some safeguarding and restrictions on people sitting outside.

The Chairman indicated that the application for discussion today was for indoors only.

The Council's Legal Officer advised the Sub-Committee that the outdoor area was not licensed but people could consume alcohol outside.

The DPS indicated that it was not a designated beer garden but people go outside to smoke.

Mrs Swindale responded that patrons were drinking outside so you can't disconnect the outside from the inside.

The DPS responded that it was difficult to Police the outdoor area and there was a suggestion that a condition be imposed to restrict drinks outside.

Councillor Wills speaking on behalf of Sedgefield Town Council indicated that there was no mention of external changes so drinking outside was irrelevant as there were no licensable activities outside and as they had off sales people could go outside to drink alcohol.

She referred to the number of objections against and the one in favour which stated that the premises had always enjoyed an appropriate licence, therefore she questioned what the point of changing the licence was and she objected to the extension of the hours.

She objected to the extension as the premises were raised which echoed sound as there was nothing around to stop it acoustically. Unlike the Cornerhouse The Pickled Parson was in the centre of the village with attached dwellings and all the lofts were interlinked and didn't have any divisions and the noise travelled. She indicated that unless there were measures put into place to soundproof then noise would travel. She then referred to the Impeccable Pig who had looked to stop the noise travelling so it was worth looking into soundproofing to help the situation as noise would continue to transfer and it was a worry that the noise was up to 11.00 pm and the approach should be one of prevention. It was about people living in the area and what they could do before the licence is granted as they would not do anything once the extension had been granted, she was also concerned of the alcohol variation on and off the premises which would be used in other parts of the village. There were five or six other places where alcohol could be purchased in the village and she could see issues in the village again.

She maintained that she did not agree to any changes, noise limitation or sound proofing could help and would be a good gesture as what happened with the Impeccable Pig. She suggested that the Sub-Committee consider no more than eight sessions of live music including Christmas and New Year's Eve as agreed with the Impeccable Pig.

Mr Taylor (on behalf of the Applicant) then addressed the Sub-Committee and indicated that they had spoken to Mr Carr about soundproofing the wall which adjoined the pub which had been carried out. Mr Carr confirmed that this had been carried out and was successful except he could still hear every single chair that moved. The Applicant stated that he would look at putting rubber feet on the chairs to alleviate this problem.

The Applicant then referred to the neighbour on the other side of the premises and indicated that there was a fire escape and a 2 metre gap between the premises but he was more than happy to remind patrons to respect neighbours and was happy to install a noise limiter device. He was only asking for an additional 30 minutes on a Friday and Saturday and the issue with the bins had already been rectified.

In response to a question on the opening hours the Applicant confirmed that the premises were currently 11.00 pm for the sale of alcohol with the premises closing at 11.30 pm and they proposed to close at 12.00 midnight.

The DPS stated that the extension was for Friday and Saturday only and they did not intend to have parties as they had hotel rooms with business men it was to allow an extra glass of wine before bed. They had already added sound limiters on the televisions in the guest rooms to contain the noise. It would not be commercial to staff the business until 12.00 midnight during the week, it was simply for allow business men to consume the last glass of wine.

Mr Carr expressed concern that if the licence was granted to midnight they might run the business correctly but there was nothing to stop this licence being passed on to another person. He referred to The Cornerhouse which had the licence for alcohol to 12.00 midnight and close at 12.30 am but people did not come out at 12.30 am and this was his concern as there was nothing in place to stop it happening.

Councillor Blakey sought clarification of how many off sales they had.

The Applicant responded that people usually purchased alcohol from the shop as it was more expensive to buy from The Pickled Parson.

Mrs Swindale stated that she was not convinced about the outside area, The Pickled Parson had a good reputation, and in the winter months they supplied blankets to make it more comfortable to sit outside and people did sit outside drinking, wrapped in blankets, so you can't discount the indoor and outdoor area. She was not opposed to people sitting outside but there needed to be a cut off time.

The Applicant responded that he could not stop people leaving and sitting outdoors. The Council's Solicitor indicated that a condition could be imposed that drinks were not allowed to be taken outdoors after a certain time.

Mrs Swindale indicated that there should be a condition that the outdoor area is only used for smoking.

The Applicant responded that they currently had off sales as part of the licence.

Mrs Swindale responded that the land was not in the ownership of The Pickled Parson and there needed to be a happy medium as the off sales affected the outdoor area.

The Applicant indicated that they would have signs to ask patrons to respect the neighbours.

Mr Carr stated that people were encouraged to take drinks outside until midnight which did happen as people sit outside with wine glasses and blankets and there were no restrictions to stop this.

Councillor Darkes asked why they had tables outside when they did not own the land.

The Applicant advised the Sub-Committee that they were in dispute over the land and the legal advice was to leave the seats in situ and to keep using the land. The Operations Director stated that she was from the area and there had always been benches outside.

The Applicant continued that they had carried out some sound proofing and they were happy to install sound regulator devices and were more than happy to erect signs next to exits to ask patrons to be quiet and respect neighbours. They had already addressed the issues with the bins.

Councillor Blakey asked if the benches had created anti-social behaviour with the previous owners of The Picked Parson.

The Applicant indicated that they could remove the benches when the premises was closed to stop people sitting outside all night.

The Council's Legal Officer asked if the Applicant would consider no drinking outside after a certain time. The Applicant responded that this would be difficult to manage with off sales.

Mr Carr indicated that the co-op was open until 10.00 pm so there was no need for off-sales. The Applicant indicated that they already had a licence for off-sales but they were happy for off sales to be restricted until 11.00 pm instead of midnight.

Mrs Swindale said that the outside areas needed to be managed and restricted to a certain time to give assurance to residents. She noted that they can't control the people out and about, she did think they were trying to manage the Cornerhouse but they needed assurance that staff know who they are giving plastic glasses to and there had to be a cut off time, she appreciated they could not control the off-sales but they had a responsibility for the premises.

At 1.50 pm the Sub-Committee Resolved to retire to deliberate the application in private. After re-convening at 2.20 pm the Chair delivered the Sub-Committee's decision.

In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer and the written and verbal 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 Premises Licence be varied to include the Provision of Films as a licensable activity as follows:-

Licensable Activities	Days & Hours
Provision of Live Music, Recorded Music Performance of Dance, Similar Entertainment (All Indoors)	Monday to Sunday, Good Friday and Christmas Day 10:00 until 00:00 hrs. From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. (Remove the condition which prevents regulated entertainment on Good Friday and Christmas Day)
Late Night Refreshment (Indoors)	Monday to Sunday 23:00 until 00:00 hrs. New Year's Eve 23:00 until 05:00 hrs.
Sale of Alcohol (on the premises)	Monday to Sunday, Good Friday and Christmas Day 10:00 until 00:00 hrs. From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.
Sale of Alcohol (off the premises)	Monday to Sunday, Good Friday and Christmas Day 10:00 until 23:00 hrs.
Proposed Opening Times	Monday to Sunday, Good Friday and Christmas Day 10:00 until 00:00 hrs. From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

The Sub-Committee considered the conditions suggested within the Operating Schedule of the application and believed it was necessary and proportionate to impose those conditions upon the licence, together with the following additional conditions:-

- a) No off-sales after 23:00 hours each night.

- b) No drinks to be taken outside after 23:00 hours each night.
- c) Benches to be removed each night when the premises are closed.
- d) Children will be out of the bar area by 21:00 hours each night.
- e) Bins and bottle bins shall not be emptied between 9pm and 8am each day.
- f) A noise limiter will be installed for regulated activities.

Appendix 4: Application



* required information

Section 1 of 18

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

System reference

Not Currently In Use

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

Your reference

Pickled Parson PL Rem.

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

TIM

* Family name

WILKS

* 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

Is the applicant's business registered outside the UK?

☐ Yes

☒ No

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

Business name

CROWN ALDERNEY LTD

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

VAT number

-

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

Continued from previous page...

Legal status

Please select...

Applicant's position in the business

OWNER

Home country

United Kingdom

The country where the applicant's headquarters are.

Applicant Business Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

Agent Details

* First name

AARON

* Family name

FISHER

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

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

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

Agent Business

Is your business registered in the UK with Companies House?

☐ Yes

☒ No

Is your business registered outside the UK?

☐ Yes

☒ No

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

Business name

VAT number

Legal status

Please select...

If your business is registered, use its registered name.

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

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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

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

* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

23,750

Section 3 of 18

VARIATION

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

☒ Yes

☐ No

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

☐ Yes

☒ No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

This application is to seek the removal of a condition attached to the application by the Licensing Sub Committee on 7th September 2018, which states 'Benches to be removed each night when the premises are closed'. These benches are large, cumbersome commercial benches that are both extremely heavy to lift and are too large to store anywhere inside the premises. Residents were concerned about anti-social behaviour 'resulting from the benches' but these concerns should be relieved as the property has had no reports regarding anti-social behaviour centered around the seating, both historically and more importantly, since the licensing committee meeting on 7/9/18. It is believed that this condition was suggested in error, confusing it with another premises during the same hearing.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

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

☐ Yes

☒ No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

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

☐ Yes

☒ No

Continued from previous page...

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

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

☐ Yes ☒ No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

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

☐ Yes ☒ No

Section 8 of 18

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

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

☐ Yes ☒ No

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

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

☐ Yes ☒ No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

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

☐ Yes ☒ No

Section 11 of 18

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

See guidance on regulated entertainment

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

☐ Yes ☒ No

Continued from previous page...

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

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

☐ Yes

☒ No

Section 13 of 18

SUPPLY OF ALCOHOL

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

☐ Yes

☒ No

Section 14 of 18

ADULT ENTERTAINMENT

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

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

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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.

'Benches to be removed each night when the premises are closed'

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

Section 16 of 18

LICENSING OBJECTIVES

Continued from previous page...

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.

No change to other existing conditions on the licence

b) The prevention of crime and disorder

No change to other existing conditions on the licence

c) Public safety

No change to other existing conditions on the licence

d) The prevention of public nuisance

No change to other existing conditions on the licence

e) The protection of children from harm

No change to other existing conditions on the licence

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific regulated entertainments please note that:

- **Plays:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 18 of 18

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

101.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

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

DECLARATION

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

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

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

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

[Add another signatory](#)

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

DCCPRM50001
24 November 2005
07 September 2018

Part 1 – Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description	Issuing Authority
THE PICKLED PARSON 1-2 THE SQUARE SEDGEFIELD STOCKTON ON TEES TS21 2AB	DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number: 01740 620153	

Where the licence is time limited the dates
 N/A

Licensable activities authorised by this licence

Live Music
 Recorded Music
 Performance of Dance
 Other Entertainment Similar to Live or Rec Music or Dance Performance
 Late Night Refreshment
 Sale by retail of alcohol – ON sales
 Sale by retail of alcohol – OFF sales

Opening Hours of the Premises

<table> <tr><td>Mon</td><td>10:00-00:00</td></tr> <tr><td>Tue</td><td>10:00-00:00</td></tr> <tr><td>Wed</td><td>10:00-00:00</td></tr> <tr><td>Thu</td><td>10:00-00:00</td></tr> <tr><td>Fri</td><td>10:00-00:00</td></tr> <tr><td>Sat</td><td>10:00-00:00</td></tr> <tr><td>Sun</td><td>10:00-00:00</td></tr> </table>	Mon	10:00-00:00	Tue	10:00-00:00	Wed	10:00-00:00	Thu	10:00-00:00	Fri	10:00-00:00	Sat	10:00-00:00	Sun	10:00-00:00	Non-standard/seasonal timings From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.
Mon	10:00-00:00														
Tue	10:00-00:00														
Wed	10:00-00:00														
Thu	10:00-00:00														
Fri	10:00-00:00														
Sat	10:00-00:00														
Sun	10:00-00:00														

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

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

Live Music Indoors Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 10:00-00:00	Further details N/A Non-standard/seasonal timings From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day
Recorded Music Indoors Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 10:00-00:00	Further details N/A Non-standard/seasonal timings From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day
Performance of Dance Indoors Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 10:00-00:00	Further details N/A Non-standard/seasonal timings From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day
Other Entertainment Similar to Live or Rec Music or Dance Performance Indoors Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 10:00-00:00	Further details N/A Non-standard/seasonal timings From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day
Late Night Refreshment Indoors Mon 23:00-00:00 Tue 23:00-00:00 Wed 23:00-00:00 Thu 23:00-00:00 Fri 23:00-00:00 Sat 23:00-00:00 Sun 23:00-00:00	Further details N/A Non-standard/seasonal timings New Years Eve 23.00 until 05.00 hrs on New Years Day
Sale by retail of alcohol ON sales Mon 10:00-00:00 Tue 10:00-00:00	Further details No drinks to be taken outside after 23.00 hours each night

Wed	10.00-00.00	Non-standard/seasonal timings From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.
Thu	10.00-00.00	
Fri	10.00-00.00	
Sat	10.00-00.00	
Sun	10.00-00.00	
Sale by retail of alcohol OFF sales		Further details N/A Non-standard/seasonal timings N/A
Mon	10.00-23.00	
Tue	10.00-23.00	
Wed	10.00-23.00	
Thu	10.00-23.00	
Fri	10.00-23.00	
Sat	10.00-23.00	
Sun	10.00-23.00	

Part 2

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

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol MR MATTHEW JOLLEY
--

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 STOCKTON-ON-TEES

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.

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

Prevention of Crime & Disorder

A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped
The system will incorporate sufficient built-in-hard drive capacity to suit the number of cameras installed, whilst complying with Data Protection Legislation.

CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.

Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.

There will be a minimum of 31 days recording.

The system will record for 24 hours a day.

The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.

The Digital recorder will have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images.

There will be at all times a member of staff who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Durham Police or any Responsible Authority, be able to produce the footage within a reasonable time e.g. 24 hours routine or less if urgently required for investigation of a serious crime.

The business will maintain an incident book to record all instances where the staff deal with people who have been unruly, drunk, abusive, aggressive or have committed criminal acts or have had to call police for such incidents. This shall include the date and time of the incident, together with a description of the incident and whether the police were called/attended. The Designated Premises Supervisor/Manager/Business owner will check and sign each page of the incident book and it will be made available to The Licensing Authority and/or Responsible Authorities upon request.

Public Safety

All Staff will be fully trained and the training must include laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18's (Proxy sales), persons appearing to be under the influence of alcohol and also the operation of the associated 'Challenge 25' policy. Staff will receive refresher training at least every 6 months. Training records, signed by both the staff member and the Designated Premises Supervisor/Manager/Business Owner will be retained for future reference and shall be updated at least every 6 months. All staff training records will be made available to The Licensing Authority and/or Responsible Authorities upon request.

Standard Conditions For Places Of Public Entertainment

Part 1 General

Application - 1 These Conditions and Definitions shall apply whenever the premises are in use under the terms of a licence issued by the Council.

Note: In order to ensure the safety of staff and performers, it is generally advisable to extend the operation of arrangements provided for the safety of the public to all times when the premises are occupied.

Definitions - 2 In these Conditions the following words have the meanings indicated. Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine. Words in italics throughout these Conditions denote words defined below.

Accommodation Limit - the maximum number of people, not being staff or performers, permitted by the Council to be within the premises or a designated area of the premises when they are in use under the terms of a licence issued by the Council.

Note (1) Experience has shown that where accommodation limits include staff, Licensees may reduce the number of staff present as the entertainment area becomes more crowded in order to comply with the accommodation limits on the licence. Such reduction is undesirable. Therefore accommodation limits exclude staff and performers

Note (2) In exceptional circumstances the Council may also limit the numbers of staff and performers.

Approved - permitted in advance by the Council in writing.

Approved Arrangements - the arrangement of the premises (including the layout and fittings, installations and all other things in connection therewith) as approved by the Council.

Attendant - a member of staff on duty to assist the public in entering or leaving the auditoria and to assist in the event of fire or other emergency.

Authorised Officer - any police or fire officer or any person authorised in writing by the Council.

Balcony Front - the barrier at the front edge of a balcony which prevents people from falling on to the floor or tier beneath the balcony.

BS - the appropriate British Standard, which may be equivalent harmonised European Standard. All references to British Standards are to the current edition unless a date is shown.

Certificate - a written report or reports of inspection and satisfactory condition completed by an appropriately qualified engineer or other competent person and normally submitted to the Council within one month of inspection.

Note - The competent person, when completing the certificate, may indicate the period of validity of the certificate, which will normally be accepted by the Council.

Competent Person - a person who has such practical and theoretical knowledge and such experience as is necessary to carry out the work and who is aware of the limits of his own ability, expertise and knowledge.

Consent - permission given in advance by the Council in writing. **Council** - the licensing authority named on the licence

Door Supervisor - any person employed at or near the entrance to the premises to ascertain or satisfy himself as to the suitability of members of the public to be allowed on the premises or any person employed to maintain order on the premises.

Note: The Council will not normally consider the Licensee or Duty Manager to be a Door Supervisor.

Duty Fire Officer - a member of staff who has been adequately trained in fire prevention and fire-fighting to the satisfaction of the Council.

Duty Manager - a person appointed by the Licensee in writing to be in charge of the premises.

Durably-treated flame-retarded fabric - see under Flame-retarded fabric

Emergency lighting - see under Lighting

Entertainment area - that part of the premises which is constructed and arranged for use for entertainments including any stage or auditorium

Escape Lighting - see under Lighting

Film exhibition - any exhibition of moving pictures which is produced otherwise than by the simultaneous reception and exhibition of programmes included in a programme service within the meaning of the Broadcasting Act 1990.

Flame-retardant fabric - a fabric that has been tested using the methods in BS 5438: 1989 Tests 2A (face ignition) and 2B (bottom ignition) using a 10 second flame application time in each case. The results of tests on the fabric shall show that no part of any hole nor the lowest boundary of any flaming reached the upper or either vertical edge of the specimen and that there was no separation of any flaming debris. (This performance standard is akin to that set out in BS5867-2: 1980 Type B).

Durably-treated flame-retardant fabric - a fabric that has been chemically treated to render it flame-retardant. Prior to the ignitability tests set out above the fabric is subjected to the appropriate wetting or cleansing

procedure set out in BS 5651: 1989. After this washing or cleansing procedure, the fabric shall meet the performance standard for flame-retardant fabric set out above. Inherently flame-retardant fabric - a fabric which, although not non-combustible and not subjected to any flame-retarding process or finish, meets the performance standard for flame-retarded fabric set out above throughout its thickness. The BS 5651 'durability' procedure can be omitted before testing fabrics composed entirely of thermoplastic materials such as nylon, polyester or modacrylic, to which a flame-retarding treatment has not been applied.

Indoor sports - see under Sports entertainment

Inherently flame retardant fabric - see under Flame-retardant fabric inspect/inspection - to carry out a visual inspection accompanied by such other test as may be necessary, in the opinion of the competent person carrying out the inspection, to enable the completion of a certificate of (satisfactory) condition.

Licensee - the person (or body) to whom the Council has granted the licence or who is deemed to be the holder of the licence under the relevant statutory provision.

Emergency Lighting - lighting provided for use in the event of the failure of the normal lighting system.

Emergency lighting includes escape lighting. Any reference in these Conditions to an emergency lighting battery shall be taken to apply to all batteries provided as part of the emergency lighting installation.

Escape lighting - that part of the emergency lighting, which is provided to ensure that the escape routes are illuminated at all material times. In these Conditions any reference to emergency lighting shall be taken to apply likewise to any escape lighting not provided as part of an emergency lighting installation.

Management lighting - the combination of the emergency lighting and that part of the normal lighting which, in the absence of adequate daylight, is intended to facilitate safe movement about the premises. Note: In closely seated auditoria this would be the usual performance mode.

Normal lighting - all permanently installed electric lighting operating from the normal supply, which, in the absence of adequate daylight, is intended for use during the whole time that the premises are occupied.

Note: Normal lighting does not include emergency lighting, purely decorative lighting and stage or performance lighting.

Local Fire Control Centre - the address and telephone number, which the Licensee has confirmed with the Fire Authority as appropriate for the Licensee to use in order to make contact with the fire brigade in a non-emergency but immediate manner.

Log-book - Any log book required under these Conditions shall be: i) accurate and up to date, ii) bound and consecutively numbered, iii) retained in a safe and secure place on the premises for a minimum of 5 years after the date of last entry or for such longer period as required, and, iv) readily available for examination by an Authorised Officer.

Note: Log-books may be kept in a manual form. The Council will accept records in electronic form provided the Licensee can demonstrate adequate security and integrity of the information. Specimen Fire log-books are provided in Appendix 4.

Management Lighting - see under Lighting

Normal Lighting - see under Lighting

Open stage - see under Stage

Pop concert - an event at which live or recorded amplified music is played and which could reasonably be expected to attract an audience of such a nature as could lead to problems with crowd control, over-excitement and/or unruly behaviour.

Premises - all parts of the premises as licensed by the Council including the ancillary parts of the building such as offices, changing room, workshops, stores, etc. which are used in connection with the entertainment area.

Public - persons, other than staff or performers, who are on the premises, whether or not they are members of the club and irrespective of payment.

Required - specified by the Council in writing.

Scenery - includes cloths, drapes, gauzes, artificial foliage and fabric decorations

Separated stage - see under stage

Special effects - any device or effect which was not included in the original licensing risk assessment for the premises which, if not properly controlled, may present a hazard. Examples include the use of dry ice machines, cryogenic fogs, smoke machines, fog generators, pyrotechnics and fireworks, real flame, firearms, motor vehicles, strobe lighting and lasers.

Special risks - any entertainment which falls outside the normal use of the premises and which, if not properly controlled, may present a hazard. Examples include foam parties, skating to music and performances especially for children.

Sports entertainment - contests, exhibitions or displays of any sport where physical skill is the predominant factor (except dancing in any form) held indoors to which the public are invited as spectators. Staff - any person, whether or not employed by the Licensee, concerned in the management, control or supervision of the premises who has been given specific responsibilities by the Licensee or Duty Manager. Staff alerting

system - a system (whether electronically operated or otherwise) for immediately alerting staff to take appropriate action in the event of fire or other emergency.

Stage - the specific part of an entertainment area on which performers perform which is distinct from the area occupied by the public, often elevated above level of the adjacent floor, includes, where the context permits, platforms, dais or rostrum.

Open stage - a stage that is not separated from the auditorium by a safety curtain. An open stage should, however, be separated from the rest of the premises, other than the stage fire risk area, by fire-resisting construction.

Separated stage - a stage that is separated from the rest of the premises, other than the stage fire risk area, by fire-resisting construction and provided with a safety curtain, which affords smoke separation between the stage and the auditorium. The safety curtain is normally installed to close off a proscenium opening.

Stage fire risk area - the stage and the auditorium together with any scene dock, workshop, stage basement, staff or other room associated with the stage. The stage fire risk area is separated from the rest of the premises by fire-resisting construction.

Trailer - a film advertising a film exhibition.

Standard hours of opening - 3 The premises shall not open to the public before 9.00 am. On Sundays, Good Fridays and Christmas Day the premises shall not open before 2.00 pm for the performance of plays.

Standard hours of closing - 4 The premises shall not be kept open after 11.00 pm for music, music and dancing, boxing, wrestling or indoor sports or after midnight for plays and film exhibitions.

Note: This is the standard terminal hour, which may be varied in particular cases.

Licence - 5

(a) The relevant licence or a clear copy of it shall be prominently exhibited in a position where the public can easily read it. For the purpose of this Condition the licence shall be interpreted to mean the licence document containing conditions specific to the premises, including any accommodation limits.

Note: Appendix 2 illustrates an example of the licence, which should be displayed. This normally consists of one or two pages.

(b) A copy of any Standard Conditions shall be readily available to the Duty Manager.

Note: This will include any Additional Conditions attached to the licence

(c) The premises shall not be used for any purpose for which a licence is required unless specifically licensed for that purpose.

Note: If the premises are licensed for several types of entertainment but are regularly used for one type of entertainment, the Council should be informed of any change to a different type of entertainment. Admission of Authorised Officers - Authorised Officers who carry written authorisations and proof of identity, which they will produce on request, shall be admitted immediately to all parts of the premises at all reasonable times.

Note 1: Authorised Officers examining entertainment areas whilst a performance is in progress should take care not to interrupt the performance and to respect privacy.

Note 2: The Licensee should ensure that reasonable assistance is given to Authorised Officers to enable them to discharge their functions.

Part II Activities For Which A Specific Consent Or Waiver Is Required Hypnotism - 7 The Licensee shall not permit any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. This Condition does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

Note: Any waiver of this Condition by the Council will be subject to Additional Conditions H. The procedure for application to waive this Condition is set out in Appendix H1, which will be sent to the Licensee on request.

Entertainment involving special risks - 8

(a) The licensee shall not permit an entertainment that involves special risks except with consent. Any approved performances especially for children shall comply with Additional Conditions K. (b) The Licensee shall not permit explosives or highly flammable substances to be brought onto the premises except with consent. Any storage of explosives or highly flammable substances shall comply with Additional Condition FX10.

(d) Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role as set out in Appendix 3. The Licensee/Duty Manager shall, once he is satisfied as to the competence of each member of staff, record this in the Fire logbook.

Fire logbook - 15

(a) The licensee shall cause a Fire log-book to be kept which shall comply with Appendix 4.

Note: Licensees are advised that it is good practice to keep a general incident logbook, in which are recorded details of each day's events. This may be combined with the Fire logbook. Appendix 4 includes an example of this approach.

(b) Any Authorised Officer shall be entitled to obtain a photocopy of any page(s) of any logbook.
Staff register – 16 The Licensee/Duty Manager shall maintain a register indicating the numbers of staff, including any Door Supervisors and all performers, who are present when the public are present. This register shall be produced immediately on the request of an Authorised Officer. This Condition does not apply to any premises that are being used for a closely seated audience.

Note 1: A sample register is set out in Appendix 5.

Note 2: As accommodation limits exclude staff and performers, this register may be used by Authorised Officers to assist in deciding how many staff and performers are present in the premises at a given time. The register will also be used in the event of an emergency evacuation of the premises. It is essential, therefore, that the register is properly maintained and that it is readily available.
Dancing – 17 Dancing shall be restricted to the areas designated by the Council.

Prevention of Nuisance – 18

(a) The Licensee/Duty Manager shall ensure that no nuisance is caused by noise emanating from the premises or by vibration transmitted through the structure of the premises.

(b) If required, clearly legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

Part IV Conditions Relating To Safety Including Fire Safety

Approved arrangements – 19

(a) The approved arrangements shall be maintained in good condition and full working order. Fire-fighting equipment, the fire alarm warning system and any smoke ventilators shall be maintained in accordance with Appendix 6.

(b) No alterations (including temporary alterations) shall be made except with consent.

Minimising danger - 20 The Licensee shall ensure that all performances or activities minimise any danger to the public.

Disabled people – 21 The Licensee/Duty Manager shall ensure that, whenever disabled people are present, adequate arrangements are made to enable their safe evacuation in the event of an emergency and that they are made aware of these arrangements.

Note: Licensees are advised to obtain details of and seek to address any special needs when approached by organisers of parties of disabled people.

Safety checks - 22 The Licensee/Duty Manager shall ensure that all necessary safety checks have been carried out before the admission of the public. Details of the checks shall be entered in the Fire logbook, this may be by use of a separate checklist.

Note: A specimen checklist is provided in Appendix 7.

Escape routes - 23

(a) All escape routes and exits including external exits shall be maintained unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements.

Note: In restaurants and other premises where chairs and tables are provided care should be taken that clear gangways are maintained.

(b) All exit doors shall be available and easily openable without the use of a key, card, code or similar means. Only approved fastenings shall be used.

Note: Doors that are not in regular use should be opened in order to ensure they function satisfactorily.

(c) Any removable security fastenings shall be removed from the doors prior to opening the premises to the public. All such fastenings shall be kept in the approved position(s).

(d) If required, exit doors shall be secured in the fully open position when the public are present.

(e) All fire doors shall be maintained effectively self-closing and shall not be held open other than by approved devices.

(f) Fire-resisting doors to ducts, service shafts and cupboards shall be kept locked shut.

(g) The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

Curtains, hangings, decorations, upholstery - 24

(a) Hangings, curtains and temporary decorations shall be maintained flame-retarded.

(b) Any upholstered seating shall continue to meet the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990.

Scenery - (c) Any scenery shall be maintained flame-retardant in accordance with Additional Condition S.

(e) Temporary decorations shall not be provided except with consent. When seeking consent for temporary decorations the Licensee shall advise the Council of the period for which it is desired to retain them.

(f) Curtains, hangings and temporary decorations shall be arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment.

Accommodation limits - 25 The licensee/Duty Manager shall ensure that the accommodation limit(s) specified on the licence are not exceeded and shall be aware of the number of the public on the premises. This information shall be provided to any Authorised Officer immediately on request.

Note: Where there is an unusually large number of performers the Council should be consulted.

Fire action notices - 26 Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade can be summoned, shall be prominently displayed and shall be protected from damage or deterioration.

Outbreaks of fire - 27 The fire brigade shall be called at once to any outbreak or suspected outbreak of fire, however slight, and the details recorded in the Fire logbook.

Loss of water - 28 The Licensee/Duty Manager shall have readily available the telephone number of the local Fire Control Centre. The Licensee/Duty Manager shall notify the local Fire Control Centre as soon as possible if he is aware that the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Refuse - 29 Refuse receptacles shall be emptied regularly.

Access for emergency vehicles - 30 Access for emergency vehicles shall be kept clear and free from obstruction.

First aid - 31

(a) The Licensee/Duty Manager shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises.

(b) If required, at least one suitably trained first-aider shall be on duty when the public are present. If more than one suitably trained first-aider is present, each person's responsibilities shall be clearly identified.

Part V Sanitary Arrangements, Heating, Lighting And Ventilation Toilet Accommodation - 32

(a) Toilet accommodation shall be provided free of charge and be kept clean and in proper working order.

(b) An adequate supply of hot and cold (or warm) water, toilet paper in holders or dispensers, soap and suitable hand and face drying facilities shall be provided in toilet accommodation.

Drinking water - 33 Where free drinking water is provided for the public, it shall, except with consent only be provided in a supervised area.

Heating and cooking - 34

(a) Heating apparatus shall be maintained in a safe and functioning condition.

(b) Portable heating or cooking appliances shall not be used except with consent.

Charge of electrical installation - 35 If required, a competent person shall be in charge of the electrical and other installation.

Managing Lighting - 36

(a) In the absence of adequate daylight the management lighting in any area accessible to the public shall be fully in operation whilst the public are present.

(b) Except as permitted under (d) below there shall be adequate illumination to enable people to see their way out of the premises. (c) Fire safety signs shall be adequately illuminated except as permitted in (d) below.

(d) If essential to the entertainment and subject to consent, the management lighting in the entertainment area may be reduced or extinguished provided: i) the lighting be controlled from a position with a clear view of the entertainment area, and ii) an operator remain by the controls whilst the lighting is reduced or extinguished; and iii) the operator restore the management lighting at once in the event of any emergency and iv) the escape route signs remain adequately illuminated.

Note: Licensees are advised to limit any periods during which lighting levels are reduced to the minimum possible consistent with the needs of the entertainment.

Emergency lighting - 37

(a) The emergency lighting installation shall not be altered in any way except with consent.

(b) The emergency lighting battery shall be fully charged before the admission of the public.

(c) In the event of failure of the normal lighting: i) if the emergency lighting battery has a one hour capacity the public shall leave the premises within 20 minutes unless within that time the normal lighting has been restored and the battery is being re-charged, or ii) if the emergency lighting battery has a 3 hours capacity the public shall leave the premises within one hour unless within that time the normal lighting has been restored and the battery is being re-charged.

(d) The public shall not be re-admitted to the premises until the normal lighting has been fully restored and the battery fully charged except i) where the emergency lighting battery has a one hour capacity and if the failure of the normal lighting was fully rectified within 20 minutes of failure and the battery is being re-charged; or ii) where the emergency lighting battery has a 3 hours capacity and if the failure of the normal lighting was fully rectified within one hour of failure and the battery is being re-charged.

Temporary electrical installations - 38

(a) Temporary electrical wiring and distribution systems shall not be provided without notification being given to the Council at least 10 days before the commencement of the work

Note: This condition does not normally apply to electrical equipment on a stage provided with permanently installed distribution facilities.

(b) Temporary electrical wiring and distribution systems shall comply with recommendations of BS 7671 or where applicable BS7909.

(c) Temporary electrical wiring and distribution systems shall be inspected and certified by a competent person before they are put into use. A copy of the certificate shall be sent to the Council as soon as possible.

(d) Temporary electrical wiring and distribution systems shall be provided only for a period of up to 3 months. This period may be extended subject to a satisfactory electrical test and inspection report being submitted to the Council at the end of each 3-month period.

Note: The Council will normally require temporary electrical wiring and distribution systems to be removed at the end of the 3-month period or to be made permanent during that period.

Ventilation - 39

(a) The premises shall be effectively ventilated.

(b) Where the ventilation system is designed to maintain a positive air pressure within part of the premises, that pressure shall be maintained whenever the public are present in that part of the premises.

Note: This Condition applies mainly to closely seated auditoria Cleansing ventilation ducting and filters - 40

(a) Ventilation ducting and other shafts shall be kept clean.

(b) Any air filters shall be periodically cleaned or replaced so as to maintain a satisfactory air supply.

(c) All interior surfaces of extract ventilation ducting serving kitchens and serveries shall be thoroughly cleaned as frequently as necessary to prevent the accumulation of grease and fat at least once per year.

(d) Grease filters in extract ventilation hoods in kitchens and serveries shall be cleaned weekly or at other intervals as required. Certificates - 41 Certificates shall be submitted to the Council as specified in Appendix 8.

Prevention of Public Nuisance

The business will maintain a refusals book to record all instances where the sale of alcohol has been refused. This shall include the date and time of the attempted sale, together with a description of the incident. The Designated Premises Supervisor/Manager/Business Owner will check and sign each page and the refusals book will be made available to The Licensing Authority and/or Responsible Authorities upon request.

Protection of Children from Harm

There will be a minimum of two notices displayed on the premises indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under age (the age of 18) are committing an offence.

Children under the age of 18 years shall be accompanied by a responsible parent/guardian.

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

Licensing - Sub Committee 7th September 2018

No off sales after 23.00 hours each night

No drinks to be taken outside after 23.00 hours each night

Benches to be removed each night when the premises are closed.

Children will be out of the bar area by 21.00 hours each night.

Bins and bottle bins shall not be emptied between 9pm and 8am each day.

A noise limited will be installed for regulated activities

Annex 4 – Plans attached

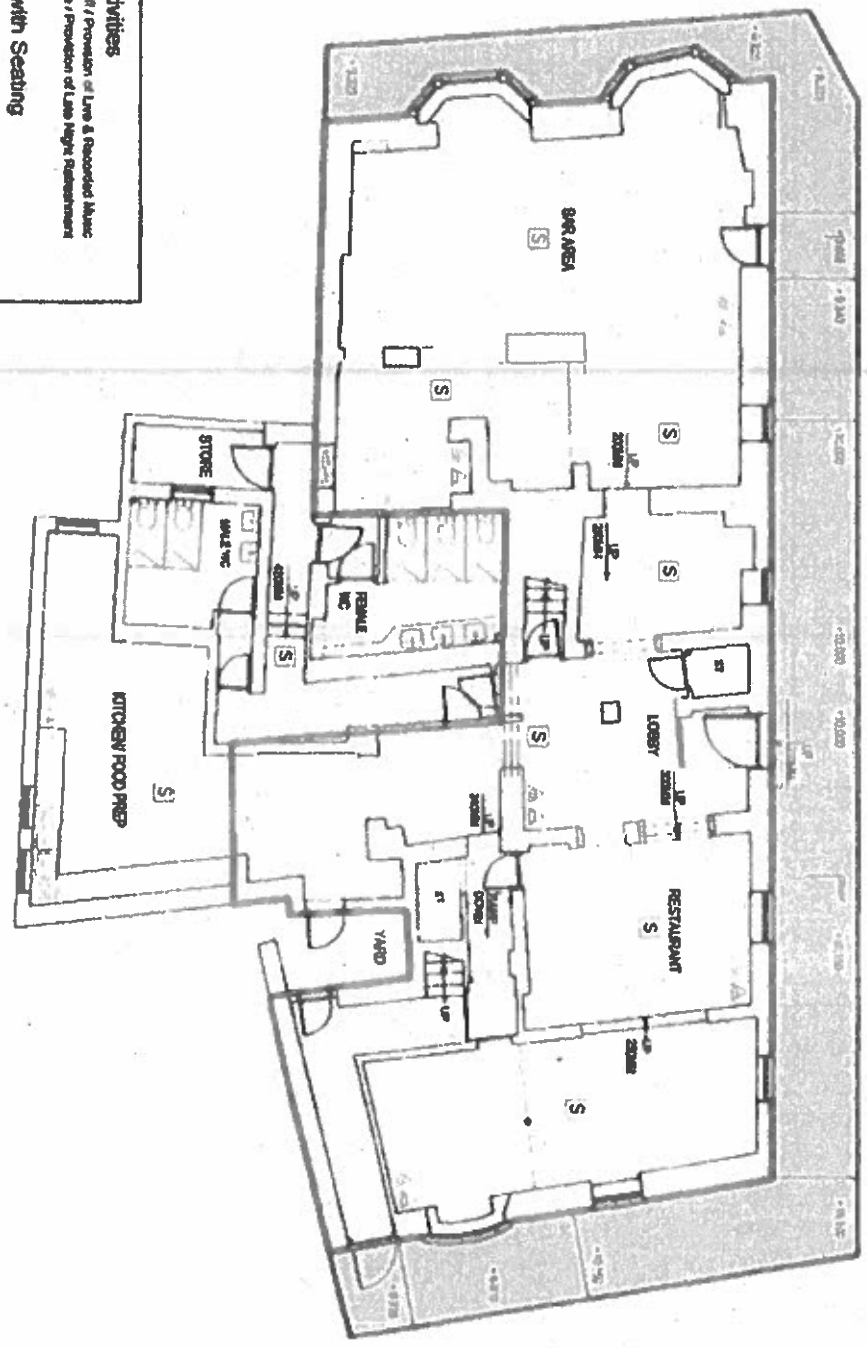
Attached

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

THE PICKLED PARSON 1-2 THE SQUARE, SEDGEFIELD, TS21 2AB

← HIGH STREET →

← RECTORY ROW →



KEY

- Licensable Activities
Sale of Alcohol On & Off / Provision of Live & Recorded Music
Performance of Dance / Provision of Late Night Entertainment
- Outdoor area with Seating
- Smoke Detector
- Water Extinguisher
- Fire Blanket

SCALE 1:100

GROUND FLOOR PLAN
EXISTING LAYOUT

Appendix 5: Representations

From: Jane Ayre <
Sent: 18 February 2019 18:49
To: Valerie Craig; AHS Licensing
Subject: URGENT: Variation of Premises Licence - The Pickled Parson, Sedgefield
Attachments: The Pickled Parson 18 02 19.doc

F.A.O. Ms Valerie Craig

Good evening Valerie,

Please find attached for your attention a letter of objection to The Pickled Parson of Sedgefield's Variation of Premises Licence Application.

I would be grateful if you could confirm receipt of this email and attached letter.

Kind Regards,

Jane.

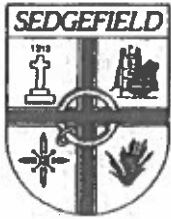
Dr Jane Ayre
Town Clerk
Sedgefield Town Council
Council Offices
Sedgefield
TS21 3AT

Passionate about Sedgefield

north east
england

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Sedgefield Town Council

Dr Jane Ayre (Town Clerk)
Tel. Sedgefield

Council Offices
Sedgefield
Co. Durham
TS21 3AT

18th February 2019

Ms Valerie Craig
Licensing Assistant
Environment, Health & Consumer Protection
Regeneration and Local Services
Durham County Council
Annand House
Meadowfield
Durham DH7 8RS

Dear Valerie,

Application For A Variation of Premises Licence – The Pickled Parson, 1-2 The Square, Sedgefield:

At Sedgefield Town Council's P&R Committee meeting held on Monday 11th February 2019 the recently submitted variation to the Premises Licence of The Pickled Parson was considered. It is noted that the variation now being sought is to remove the condition that states " 'benches to be removed each night when the premises are closed' as these are large, cumbersome commercial benches that are both extremely heavy to lift and are too large to store anywhere inside the premises". The Pickled Parson's owner believes "this condition was put in place to counteract residents concerns about anti-social behaviour but feels these concerns should be relieved as the property has had no reports regarding anti-social behaviour centred around the seating, both historically and more importantly, since the licensing committee meeting on 7th September 2018. It is believed that this condition was suggested in error, confusing it with another premises during the same hearing". Following consideration of this application Sedgefield Town Council wishes to object to the variation now being sought.

Sedgefield Town Council note that Durham County Council's Licensing Policy (2014-2019) states in Section 2.5 "In adopting this Licensing Policy, the Licensing Authority recognises that residents need to live and work in a safe and healthy environment. ... The Licensing

Authority's aim is to facilitate well managed premises and to support licence holders displaying sensitivity to the impact of their premises on local residents". In Section 9 (Prevention of Public Nuisance) of the aforementioned Policy, Section 9.1 states "... especially those operating late at night ... can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises" and Section 9.2 relates to preventing public nuisance, i.e. "... of preventing public nuisances relevant to the individual style, location and characteristics of the premises and events". Of particular relevance is Section 9.4 which states "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 ... the Council will normally expect them to be removed before the premises close, and any resulting litter/debris cleared away". The existing Premises Licence for The Pickled Parson was determined following a Statutory Licensing Committee hearing at which the Town Council had been represented. The Licensing Authority had received twelve objections to the original premises licence application submitted. At that Statutory Licensing Committee, and careful consideration of Durham County Council's Licensing Policy (2014-2019), the Committee agreed to most of the applicant's original requests but set the condition that the benches and tables outside the property be removed each night after 23:00 hours to prevent public nuisance. The fact that the benches and tables are difficult to lift or store because they are unsuitable should not be a reason to have this important condition removed. There must be many more suitable types of furniture available, as many other premises have overcome this problem. The Town Council does not agree with the statement that an error was made by the Licensing Committee when dealing with the original premises licence application as it was very clear to all in attendance which premises licence was being considered.

The Town Council also wish to make you aware that the public notice regarding this matter was not put up on display at The Pickled Parson until 8th February 2019 thereby significantly reducing the amount of time in which residents could comment.

In conclusion, for the reasons stated clearly in this letter Sedgefield Town Council therefore requests that Durham County Council Officers do not grant permission for this application and request that a decision is made on this matter by Licensing Committee and not delegated to an Officer.

I look forward to hearing from you in due course.

Yours sincerely,

Dr Jane Ayre
Town Clerk

From: Melvyn Carr < >
Sent: 20 February 2019 00:36
To: AHS Licensing

I wish to object to the application to have the condition "Benches to be removed each night when the premises are closed" removed.

The Licensing Committee considered the original application on 7th September 2018, it took into account the position of the premises, its location on the village green in the centre of a residential area. Some residents premises are attached to this property and many are within yards of the outside licensed area.

The committee took into account anti social behaviour that had been taking place in the centre of the village green during 2018, this had reached such a serious level that extra police were needed at weekends to try and control the situation. This involved Inspector Sarah Honeyman raising special antisocial orders for the centre of Sedgefield

This has resulted in a more acceptable level of social behaviour, helped by more robust policing. This time of year it is cold and does not encouraging people to sit outside.

Benches left outside premises have in the past ended up all over the village green with the Sedgefield town Council staff and Sedgefield in Bloom volunteers having to remove them.

All the business premises in Sedgefield have difficulty with storage, only one other business has tables and chairs outside but they are light and it enables them to be taken in each day and stored inside their premises

The exterior of The Pickled Parson is directly onto open village green and the benches are not contained or fenced off making it impossible to control who uses the benches when the business is closed.

If the benches are left outside patrons or the public can congregate and cause noise and disturbance to the neighbouring residents late into the evening and night. With the Pickled Parson being sited in an elevated position surrounded by buildings the sound echoes and carries all round The Square, High Street and Rectory Row

A Minor Variation Application to remove this condition was applied for on 13th November 2018. This was refused.

Attached are 2 plans showing the position of the Pickled Parson in relation to residential buildings.

I would be pleased if the Licensing Committee would consider the above points and not grant the request to remove the condition.

Could you please acknowledge receipt of this e-mail

Yours sincerely

Mr M M Carr

The Square,
Sedgefield
TS21 2AB

GREEN RESIDENTIAL

15 7-914

HIGH STREET

82801

CHILTEP

EXTENSION
LICENSED
AREA

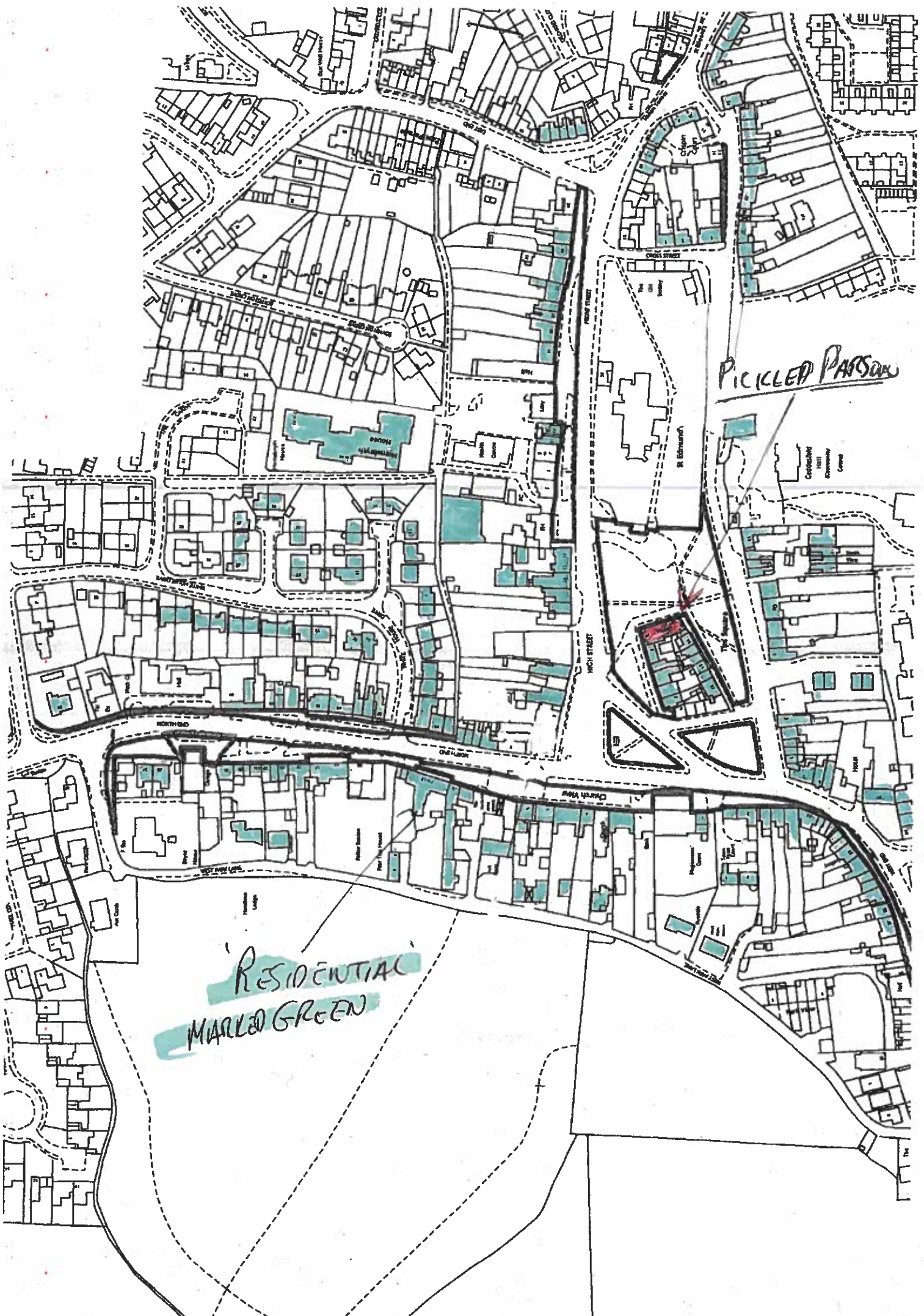
PICKLED
PARSON

ARG-

THE SCIENCE

QUESTION

BLOCK PLAN
PROPOSED



From: Cllr Joe Makepeace
Sent: 25 January 2019 10:18
To: Valerie Craig
Subject: Re: Licensing Act - Variation of premises licence received

I have no objection
Joe Makepeace

Sent from my iPad

Appendix 6: Responses from Responsible Authorities

From: Daniel Darnton <
Sent: 28 January 2019 10:41
To: Valerie Craig
Subject: FW: Licensing Act - Variation of premises licence received
Attachments: Variation Application 24.01.19.pdf; Pickeld Parson - Licence.pdf

Good Morning,

Durham Constabulary have no objections to the below application.

Kind Regards
Dan

Daniel Darnton
Harm Reduction Unit



Durham Constabulary
Altogether Better Policing

From: FS-Wear <
Sent: 25 January 2019 16:21
To: Valerie Craig
Subject: RE: Licensing Act - Variation of premises licence received

Hello Valerie,

I can confirm that the Fire Authority have no objections or comments to make in respect of this application.

Kind regards

Dave Mitchelson

From: Sean Barry
Sent: 08 February 2019 10:04
To: Valerie Craig
Cc: AHS Licensing
Subject: RE: Licensing Act - Variation of premises licence received

Good Morning

I have received an application to vary a licence for the establishment: The Pickled Parson, 1-2 The Square, Sedgefield, TS21 2AB

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

My Ref: PH/2019/012

Thanks
Sean

From: Susan Gallimore
Sent: 31 January 2019 18:33
To: Valerie Craig; AHS Licensing
Subject: RE: Licensing Act - Variation of premises licence received

Dear Valerie,

Please note that I have no adverse comments to make about this application.

Kind Regards,

Susan Gallimore MCIEH MIOA DipIOA
Senior Public Protection Officer
Regeneration and Local Services
Durham County Council

From: Hilary Sperring
Sent: 30 January 2019 11:25
To: Valerie Craig
Subject: CON28/19/00227 Application for a variation of premises licence 1 - 2 The Square
Sedgefield

Dear Valerie,

Thank you very much for your recent consultation in respect of the above and your time earlier on the telephone.

I can confirm that I have no comments or objections to make from a planning point of view.

Kind Regards,
Hilary

Mrs Hilary Sperring

Planning Officer | Development Management

Durham County Council
Planning Development (South West)
County Hall
Durham
DH1 5UL

Appendix 7: 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 8: 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.