

## **Statutory Licensing Sub-Committee**

**9<sup>th</sup> April 2019**

### **Application for the grant of a Premises Licence**

#### **Ordinary Decision**

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

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

#### **Electoral division(s) affected:**

Elvet and Gilesgate

#### **Purpose of the Report**

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for the former Walkabout premises, 13-15 North Road, Durham. DH1 4SG received from Mr Lee Smurthwaite of Northumberland Taverns Limited.
- 2 A plan showing the location of the premises is attached at Appendix 2.

#### **Executive summary**

- 3 The application originally requested the granting of a new Premises Licence for the Sale of Alcohol from 09:00 hrs until 02:00 hrs Monday to Sunday, the provision of Regulated Entertainment from 09:00 hrs until 02:30 hrs Monday to Sunday and the provision of Late Night Refreshment from 23:00 hrs until 02:30 hrs each day.

An additional hour was requested on the morning British Summertime begins as well as an extension of hours for all activities up until 04:00 hrs on up to 15 occasions per year and an extension on New Years Eve until 02:30 hrs on 2<sup>nd</sup> January each year.

- 4 Following mediation with Durham Constabulary, the applicant removed the non-standard timings requested for the Sale of Alcohol, Regulated Entertainment and Late Night Refreshment up until 04:00 hrs on up to 15 occasions per year and also activities on New Years Eve until 02:30 hrs on 2<sup>nd</sup> January.

The applicant also added a condition to say that Section 150(4) of the Licensing Act 2003 would not be operated at the premises. (See Appendix 11 for further details)

- 5 On 27<sup>th</sup> March 2019, the applicant added additional conditions to the application in relation to proposed noise control measures to be implemented at the premises.
- 6 Three objections were received during the consultation period; one from a Responsible Authority, namely the Environmental Health Authority, one from Durham City Parish Council and one from a resident Mr McKeon.
- 7 The objection was later withdrawn by the Environmental Health Authority following a site visit to the premises as they were satisfied with the noise control measures at the premises.
- 8 Comments not amounting to a representation were received from the Planning Authority.

### **Recommendation(s)**

- 9 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 10 The Sub-Committee is recommended to give appropriate weight to:
  - (a) The steps that are appropriate to promote the licensing objectives;
  - (b) The representations (including supporting information) presented by all parties;
  - (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 10;
  - (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 11.

### **Background**

- 11 Background information

<b>Applicants</b>	<b>Northumberland Taverns Limited</b>	
<b>Type of Application:</b>	<b>Date received:</b>	<b>Consultation ended:</b>
<b>New premises licence</b>	<b>6<sup>th</sup> February 2019</b>	<b>21<sup>st</sup> March 2019</b>

## Details of the application

- 12 An application for the grant of a premises licence was received by the Licensing Authority on 6<sup>th</sup> February 2019. A copy of the application is attached at Appendix 3.
- 13 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 14 The original licensable activities were requested as follows:

Licensable Activities	Days & Hours
Supply of Alcohol (consumption on the premises)	Monday to Sunday: 09:00 to 02:00 hrs. From 09:00 hrs on New Years Eve until 02:00 hrs on 2 <sup>nd</sup> January. Extension until 03:00 hrs on the morning British Summertime begins. From 09:00 hrs until 03:30 hrs on up to 15 occasions a year.
Films, Recorded Music, Performances of Dance, Live Music, Provision of Similar Entertainment (Indoors)  Late Night Refreshment (Indoors)	Monday to Sunday: 09:00 to 02:30 hrs. - Live Music only until 00:00 hrs.  Monday to Sunday: 23:00 to 02:30 hrs.  From 09:00 hrs on New Years Eve until 02:30 hrs on 2 <sup>nd</sup> January. Extension until 03:30 hrs on the morning British Summertime begins. From 09:00 hrs until 04:00 hrs on up to 15 occasions a year.
Proposed Opening Times	Monday to Sunday: 09:00 to 02:30 hrs. From 09:00 hrs on New Years Eve until 02:30 hrs on 2 <sup>nd</sup> January. Extension until 03:30 hrs on the morning British Summertime begins. From 09:00 hrs until 04:00 hrs on up to 15 occasions a year.

- 15 The applicant has proposed conditions and the steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application at Appendix 3.
- 16 On 18<sup>th</sup> February 2019, the applicant amended the application following mediation with Durham Constabulary and has now removed the following from the application:
- The non-standard timings for the Sale of Alcohol, Regulated Entertainment and Late Night Refreshment up until 04:00 hrs on up to 15 occasions per year and also activities on New Years Eve until 02:30 hrs on 2<sup>nd</sup> January.

The applicant also added the following condition to the application:

- Section 150(4) of the Licensing Act 2003 will not be operated at the premises.

Please see Appendix 4 for confirmation.

- 17 On 27<sup>th</sup> March 2019, the applicant added additional conditions to the application in relation to proposed noise control measures to be implemented at the premises.

Details of these conditions are attached at Appendix 5.

### **The Representations**

- 18 The Licensing Authority received three representations during the consultation period from the following:

- Mr Ted Murphy, Senior Environmental Health Officer (Responsible Authority)
- Durham City Parish Council (Other persons)
- Mr B McKeon (Other person)

- 19 On 26<sup>th</sup> March 2019, Mr Ted Murphy of the Environmental Health Authority withdrew his representation. This was after a site visit and discussions with the applicant regarding the structure of the premises and the proposed noise control measures to be implemented.

Mr Murphy informed the Licensing Authority that he considered the noise control measures proposed at the premises to be satisfactory.

Please see Appendix 6 for confirmation.

20 The Licensing Authority deemed the remaining two representations as relevant, relating to the following licensing objective:

- The Prevention of Public Nuisance

Copies of these remaining representations are attached at Appendix 7.

21 For Members' information: A response not amounting to a representation was received from the Planning Authority on 13<sup>th</sup> February 2019. The Licensing Authority forwarded these comments to the applicant on 15<sup>th</sup> February 2019.

A copy of the planning response is attached at Appendix 8 for information only.

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

- Durham Local Safeguarding Children Board
- Durham County Council Public Health Department

Copies of these responses are attached at Appendix 9.

### **The Parties**

23 The Parties to the hearing will be:

- Mr Lee Smurthwaite, Northumberland Taverns Ltd (Applicant)
- Durham City Parish Council (Other persons)
- Mr B McKeon (Other person)

### **Options**

24 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*

- 25 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*

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

See Appendix 1

## **Conclusion**

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

## **Background papers**

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

## **Other useful documents**

- None

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**Contact:** Yvonne Raine

Tel: 03000 265256

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## **Appendix 1: Implications**

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### **Legal Implications**

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

In this case it was summed up that:

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

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

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

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

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

### **Consultation**

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

The Responsible Authorities were consulted on the application.

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

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

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

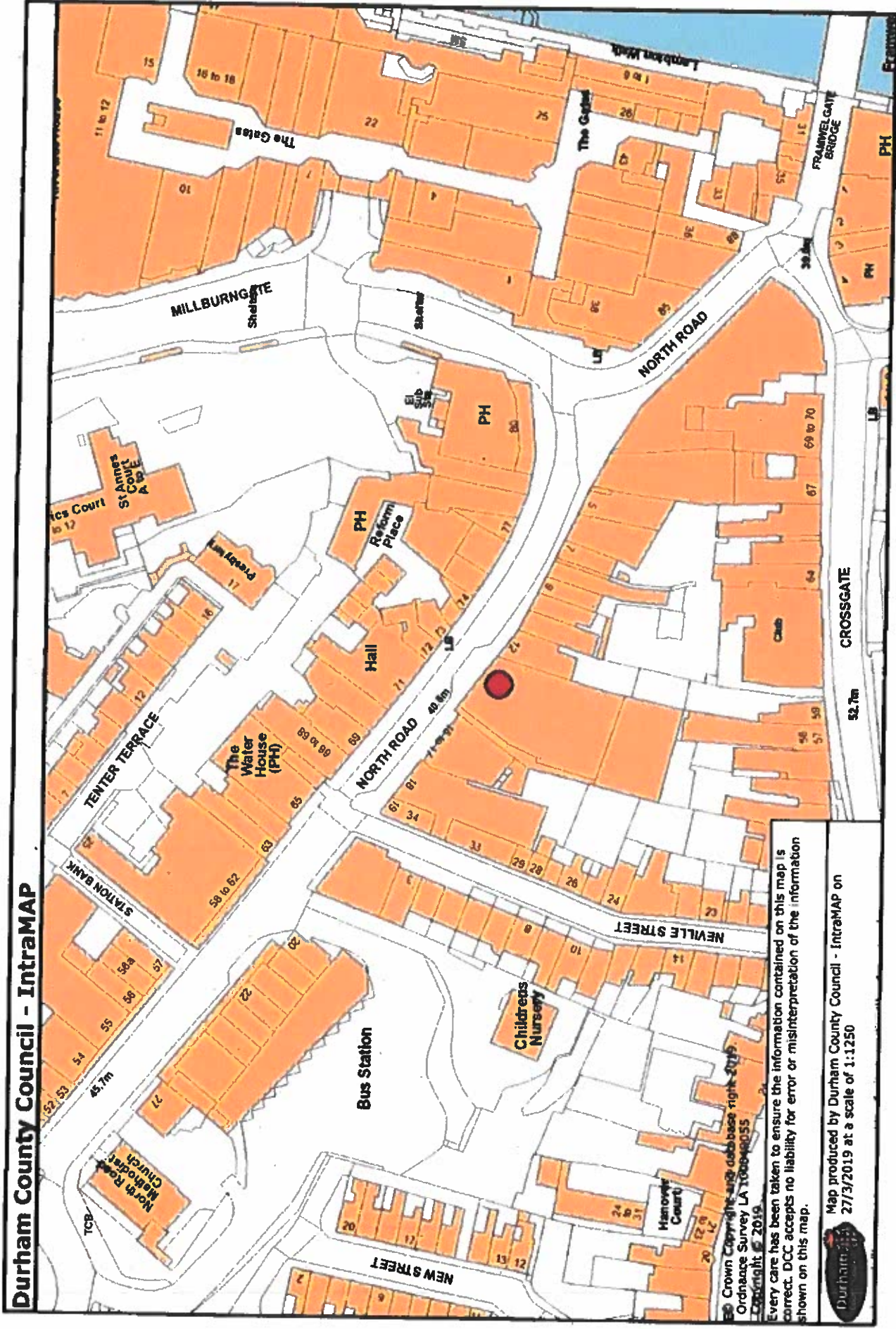
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## **Appendix 2: Location Plan**

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Plan for identification purposes only; not to be used for scaling or formal documentation



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## **Appendix 3: Application**

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\* required information

**Section 1 of 21**

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

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

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

Are you an agent acting on behalf of the applicant?

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

Yes  No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Are you:

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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

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

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

Registration number

Business name  If your business is registered, use its registered name.

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

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

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

Continued from previous page...

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality  Documents that demonstrate entitlement to work in the UK

**Add another applicant**

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of 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 venue is a disused cinema that became a Walkabout franchise, it developed into a nightclub operating as Durham Live and following the liquidation of the holding company the licence lapsed. The venue has an occupancy of 900 and consists of a large public area and stage and a raised viewing toilet area above. The applicant seeks to re open this venue in a very similar for to the past with on sales only. The venue will operate during the day as a bar food eatery and will operate as a nightclub on the evening.

**Section 3 of 21****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21****NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

Northumberland Taverns Ltd

**Details**

Registered number (where applicable)

10399486

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

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

### Section 6 of 21

#### PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

### Section 7 of 21

#### PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

##### SATURDAY

Start

End

Start

End

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

Continued from previous page...

SUNDAY

Start

End

Start

End

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

Indoors       Outdoors       Both

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

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

Amplified and unamplified music

State any seasonal variations for the exhibition of film

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

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

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

From 09:00hrs on New Years Eve until 02:30hrs on 2nd January.  
Extension until 03:30hrs on the morning British Summertime begins.  
From 09:00 - 04:00hrs on up to 15 occasions a year, giving 7 days written notice to Durham Constabulary and Durham Licensing Authority.

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes       No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes       No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?



Continued from previous page...

### Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors       Outdoors       Both

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

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

Amplified and unamplified music

State any seasonal variations for the performance of live music

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

Continued from previous page...

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

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

From 09:00hrs on New Years Eve until 02:30hrs on 2nd January.

Extension until 03:30hrs on the morning British Summertime begins.

From 09:00 - 04:00hrs on up to 15 occasions a year, giving 7 days written notice to Durham Constabulary and Durham Licensing Authority.

### Section 11 of 21

#### PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

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Start

End

##### SATURDAY

Start

End

Start

End

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

Continued from previous page...

SUNDAY

Start

End

Start

End

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

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

- Indoors       Outdoors       Both

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

Amplified and unamplified music

State any seasonal variations for playing recorded music

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

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

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

From 09:00hrs on New Years Eve until 02:30hrs on 2nd January.

Extension until 03:30hrs on the morning British Summertime begins.

From 09:00 - 04:00hrs on up to 15 occasions a year, giving 7 days written notice to Durham Constabulary and Durham Licensing Authority.

### Section 12 of 21

### PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

- Yes       No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

Continued from previous page...

**WEDNESDAY**

Start	<input type="text" value="09:00"/>	End	<input type="text" value="02:30"/>
Start	<input type="text"/>	End	<input type="text"/>

**THURSDAY**

Start	<input type="text" value="09:00"/>	End	<input type="text" value="02:30"/>
Start	<input type="text"/>	End	<input type="text"/>

**FRIDAY**

Start	<input type="text" value="09:00"/>	End	<input type="text" value="02:30"/>
Start	<input type="text"/>	End	<input type="text"/>

**SATURDAY**

Start	<input type="text" value="09:00"/>	End	<input type="text" value="02:30"/>
Start	<input type="text"/>	End	<input type="text"/>

**SUNDAY**

Start	<input type="text" value="09:00"/>	End	<input type="text" value="02:30"/>
Start	<input type="text"/>	End	<input type="text"/>

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

- Indoors       Outdoors       Both

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

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

Amplified and unamplified music

State any seasonal variations for the performance of dance

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

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

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

From 09:00hrs on New Years Eve until 02:30hrs on 2nd January.

Extension until 03:30hrs on the morning British Summertime begins.

From 09:00 - 04:00hrs on up to 15 occasions a year, giving 7 days written notice to Durham Constabulary and Durham Licensing Authority.

Continued from previous page...

**Section 13 of 21**

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

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes  No

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

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

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

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**THURSDAY**

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End

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End

**FRIDAY**

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End

**SATURDAY**

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**SUNDAY**

Start

End

Start

End

Give a description of the type of entertainment that will be provided

Karaoke, local bands, musicians.

Continued from previous page...

Will this entertainment take place indoors or outdoors or both?

Indoors       Outdoors       Both

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

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

Amplified and unamplified music

State any seasonal variations for entertainment

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

Non-standard timings. Where the premises will be used for entertainment at different times from those listed in the column on the left, list below

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

From 09:00hrs on New Years Eve until 02:30hrs on 2nd January.

Extension until 03:30hrs on the morning British Summertime begins.

From 09:00 - 04:00hrs on up to 15 occasions a year, giving 7 days written notice to Durham Constabulary and Durham Licensing Authority.

#### Section 14 of 21

#### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes       No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

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

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

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End

Start

End

Continued from previous page...

THURSDAY

Start 23:00

End 02:30

Start

End

FRIDAY

Start 23:00

End 02:30

Start

End

SATURDAY

Start 23:00

End 02:30

Start

End

SUNDAY

Start 23:00

End 02:30

Start

End

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

Indoors       Outdoors       Both

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

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

The provision of hot food and drink both on and off the premises.

State any seasonal variations

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

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

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

From 23:00hrs on New Years Eve until 02:30hrs on 2nd January.

Extension until 03:30hrs on the morning British Summertime begins.

From 23:00 - 04:00hrs on up to 15 occasions a year, giving 7 days written notice to Durham Constabulary and Durham Licensing Authority.

Section 15 of 21

Continued from previous page...

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes  No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Will the sale of alcohol be for consumption:

On the premises  Off the premises  Both

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

State any seasonal variations

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



Continued from previous page...

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

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

From 09:00hrs on New Years Eve until 02:00hrs on 2nd January.

Extension until 03:00hrs on the morning British Summertime begins.

From 09:00 - 03:30hrs on up to 15 occasions a year, giving 7 days written notice to Durham Constabulary and Durham Licensing Authority.

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

**Name**

First name

Alan

Family name

Newton

Date of birth

/  /

dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number  
(if known)

Issuing licensing authority  
(if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Electronically, by the proposed designated premises supervisor

As an attachment to this application

Reference number for consent form (if known)

Continued from previous page...

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**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

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

No adult entertainment will be intentionally provided at this venue.

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

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

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

Continued from previous page...

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 in the column on the left, list below

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

From 09:00hrs on New Years Eve until 02:30hrs on 2nd January.

Extension until 03:30hrs on the morning British Summertime begins.

From 09:00 - 04:00hrs on up to 15 occasions a year, giving 7 days written notice to Durham Constabulary and Durham Licensing Authority.

#### Section 18 of 21

#### LICENSING OBJECTIVES

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

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

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

This venue is a disused cinema that has been converted into a bar/nightclub. The building is listed and has stood unused following the insolvency of the previous owners. The venue will offer daytime bar facilities and the provision of hot food and drink for customers and on an evening will offer primarily regulated entertainment.

b) The prevention of crime and disorder

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

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

CCTV will be provided in the form of a recordable system, capable of providing pictures to the satisfaction of the police or responsible authorities in all lighting conditions particularly facial recognition at entrances and exits.

Cameras shall encompass the inside and outside of all entrances and exits to the premises and rear yards, fire exits and all areas inside the premises where the sale / supply of alcohol occurs. Cameras shall also cover the upstairs landing of the venue outside of the toilets.

CCTV Equipment must be maintained in good working order, be correctly timed and date stamped. Recordings must be kept for a period of 28 days and copies handed to the police or responsible authority within a reasonable time.

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

The Premise Licence Holder must ensure at all times a DPS or appointed member of staff is trained in downloading the requested CCTV footage, onto either a hard drive or memory stick provided by the police on reasonable request.

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

*Continued from previous page...*

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

Authorised SIA door staff are to be used from 9pm Friday, Saturday and Sundays preceding a Bank Holiday and on Wednesday evening from 9pm during Durham University term time and at any other times that the responsible authorities feel that they are reasonably required.

Two door supervisors will be required for the first 100 customers then to a ratio of 1:100. One must be situated in the upstairs landing area next to the toilets.

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

At least one Door Supervisor will wear a body worn camera. The footage of any incidents from this camera will be downloaded onto a secure hard drive and kept for a minimum of 28 days and handed to the police within a reasonable time frame agreed between officers and DPS/Authorised person.

The PLH or DPS will inform Durham Constabulary Licensing Department in writing 14 days prior at any event where they expect more than 400 attendees, or should the event be booked at shorter notice then due notification will be given as soon as is reasonably practicable.

No drinks to be taken outside.

This premises operates a Zero Tolerance Policy in respect to drugs and Novel Psychoactive Substances.

During busy periods Toilet checks will be provided at half hour intervals to identify any drugs misuse. A drugs misuse policy will be in place.

Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers.

The designated smoking area will be to the front of the premises and the number of patrons smoking to the front will be monitored by staff so as not to cause a public nuisance. This area will be covered by CCTV. Patrons will not be allowed to bring their own drinks into the premises.

An effective random drug, alcohol and weapons search policy will operate during the venues high times of footfall.

#### c) Public safety

Fire Risk Assessment to be provided and updated as required.

Fire exits and fire equipment clearly marked.

Risk Assessment to be provided and updated as required or when there is a material change requiring one.

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

First aid facilities will be available.

An incident log will be kept at all times.

The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.

Appropriate signs will be put in place to prevent slips trips or falls following spillages.

#### d) The prevention of public nuisance

To prevent noise escaping, all windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.

No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and

*Continued from previous page...*

(07.00) on the following day.

Non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

e) The protection of children from harm

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

The premises will not promote any under 18 music led events or 18th Birthday parties.

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

A refusal register will be kept and endorsed after any refusal of the sale of alcohol and where entry to premises is refused, this is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales). The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Durham County Council at all times whilst the premises is open.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident.

Section 150(4) of the licensing Act will not at any time be operated at this premises.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK (please see note below about which sections of the passport to copy).
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

*Continued from previous page...*

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

*Continued from previous page...*

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

**Section 20 of 21**

**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:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - 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.
  - 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.
  - 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.
  - 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:
  - 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.
  - 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.
  - 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:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - 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;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - 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 21 of 21

#### 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.

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

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

Premises licence fees can be calculated by visiting the Department for Culture Media and Sport website at [http://www.culture.gov.uk/what\\_we\\_do/alcohol\\_and\\_entertainment/3193.aspx](http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/3193.aspx)

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

Details of these additional fees can be found on the website [http://www.culture.gov.uk/what\\_we\\_do/alcohol\\_and\\_entertainment/4040.aspx](http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4040.aspx)

\* Fee amount (£)

315.00

#### ATTACHMENTS

#### AUTHORITY POSTAL ADDRESS

##### Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

#### DECLARATION

Continued from previous page...

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]. I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

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  LEB SMITH  
\* Capacity   
Date (dd/mm/yyyy)

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/apply-1> to upload this file and continue with your application.

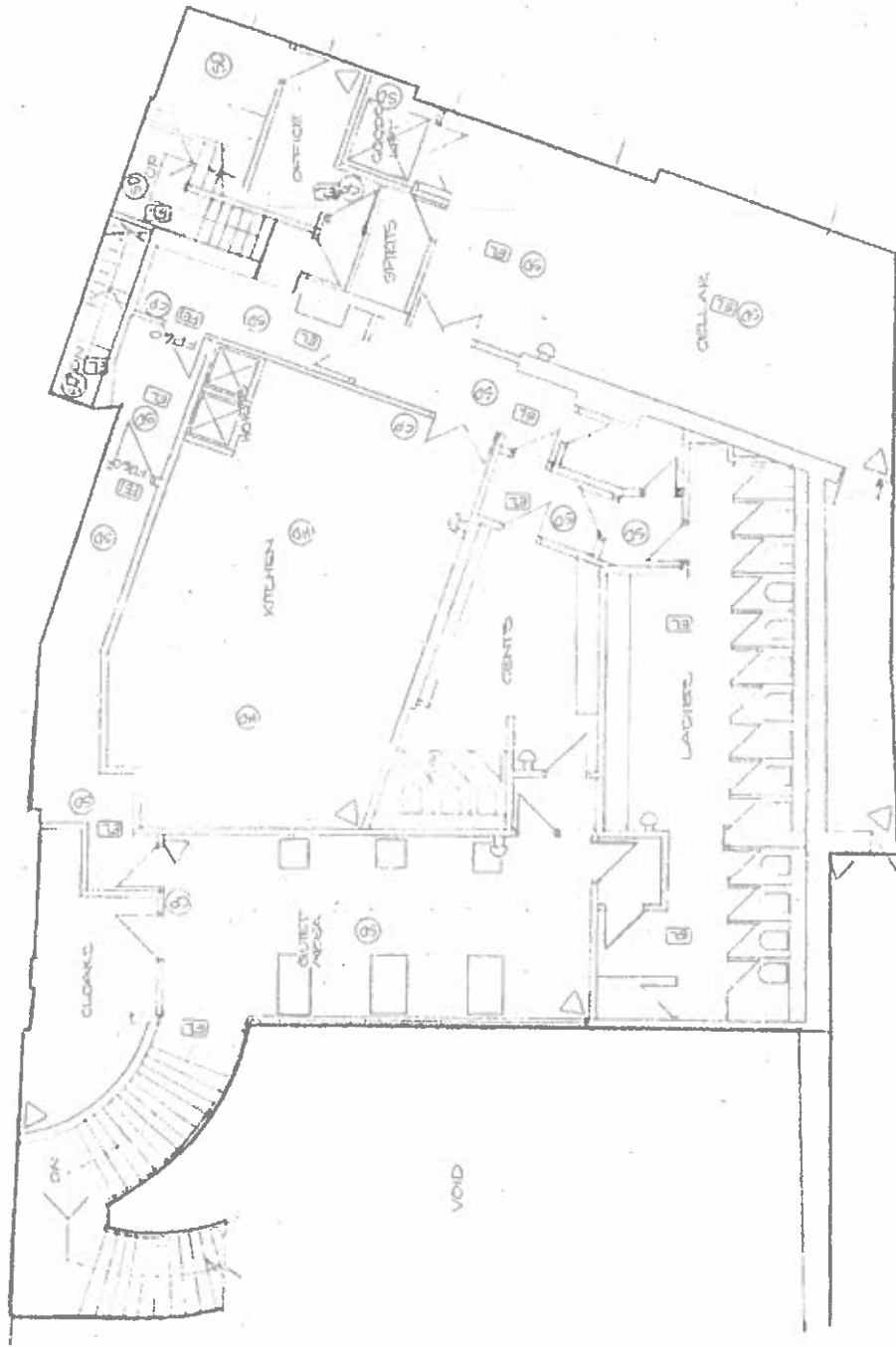
Don't forget to make sure you have all your supporting documentation to hand.

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

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**



FIRST FLOOR AS PROPOSED: 1:100 @ A23 (MEZANINE)



FORMER WALK ABOUT: NORTH DUEHAM RD, DUEHAM

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**Appendix 4: Applicant's amendment to the application following mediation with Durham Constabulary**

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**From:** lee smurthwaite <  
**Sent:** 18 February 2019 13:13  
**To:** AHS Licensing <[Licensing@durham.gov.uk](mailto:Licensing@durham.gov.uk)>; Michelle Williamson

**Subject:** Premises License Application - 13-15 North Road, Durham

Hi Valerie/Yvonne,

After mediation and discussions with the Police, can you please remove the below from the application we have submitted for 13 – 15 North Road, Durham

1) Non standard timings for hours premises are open to the public, supply of alcohol, late night refreshments, performance of dance, provision of recorded music, provision of live music, provision of films and similar

- From 09:00hrs on New Years Eve until 02:30hrs on 2<sup>nd</sup> January
- From 09:00hrs – 04:00hrs on up to 15 occasions a year. Giving 7 days written notice to Durham Constabulary and Durham Licensing Authority

2) The protection of children from harm

- Section 150(4) of the Licensing Act will not at any time be operated at this premises

Many thanks,

Lee

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**Appendix 5: Additional conditions agreed by applicant in relation to noise prevention**

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## Yvonne Raine

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**From:** TJR Licensing  
**Sent:** 27 March 2019 14:45  
**To:** AHS Licensing; Ted Murphy; Yvonne Raine  
**Cc:** lee smurthwaite  
**Subject:** 13-15 North Road, Former Walkabout  
**Attachments:** NOISE PREVENTION POLICY EDEN.pdf

Dear All

Following the representations received in respect of my clients venue, the former Walkabout, North Road Durham, I wish to offer the following conditions which we believe will prevent the undermining of the prevention of public nuisance objective. These conditions are now implemented in our Noise Prevention Policy, attached.

The following sections outline practical measures that will be put in place to reduce the risk of unacceptable noise associated with the proposed operation of this venue and may be implemented into the operating schedule.

- 1. A noise limiting device to control the amplified noise levels within the venue will be implemented. It will be set at a level of which is acceptable with Durham County Councils Environment Health and consumer protection officer.**
- 2. Entry and egress from the venue will be through the front entrance doors and the current acoustic lobby will be operated ensuring that the doors are not fixed in the open position.**
- 3. On approach to the terminal hour of the venues operation the music will reduce in tempo and volume and create a calmer environment for the exodus.**
- 4. Verbal announcements will be given to advise patrons to leave quietly and signage at exit points will support the verbal announcements.**
- 5. Risk assessments will be carried out externally especially at the terminal hour to ensure that any customers smoking at the front of the venue or awaiting transport will keep their voices to a lower level. This will be enforced by the security officers.**
- 6. The delivery of goods, collection of waste, and bottling out will be carried out at a time when there will be little or no impact on any residents. These processes will not take place between 2300 and 0700.**
- 7. Staff will be actively trained both initially and every 6 months on the need to maintain the licensing objectives, and in particular, the prevention public nuisance.**

Should there be any issues or concerns then please feel free to contact me on the below number at any time.

Kind Regards

Tim

Tim Robson MBII, MIOL, Cert Ed  
Licensing Consultant

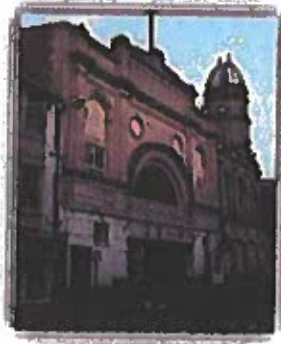


**Highfield**  
an auditing body for compliance  
Approved HABC Centre



# **EDEN**

## **15-17 North Road, Durham City**



### **NOISE PREVENTION POLICY**

The sources of noise giving rise to complaints from local residents vary considerably, but can include music, singing, public address systems, large screen televisions or video displays, plant and machinery, deliveries, fireworks and from people outside the premises.

Experience shows, however, that the majority of complaints come as a result of music being audible in nearby or adjoining noise sensitive premises. Problems usually arise where licensed premises are close to residential premises or share adjoining structures. This is because entertainment noise can break out from the licensed premises or be transmitted through the structure to the adjoining premises, where it can cause problems.

Other than in exceptional circumstances, the Council would rightfully expect that noise associated with regulated entertainment which takes place between the hours of 23:00 and 09:00 or which takes place on a frequent basis at any time, should be controlled to such a level that the noise will be inaudible at all times inside noise sensitive properties in the vicinity of the licensed premises.

This building was constructed as a cinema with considerable measures implemented into its construction and design to reduce noise breakout.

The following sections outline practical measures that will be put in place to reduce the risk of unacceptable noise associated with the proposed operation of this venue and may be implemented into the operating schedule.

1. A noise limiting device to control the amplified noise levels within the venue will be implemented. It will be set at a level of which is acceptable with Durham County Councils Environment Health and consumer protection officer.
2. Entry and egress from the venue will be through the front entrance doors and the current acoustic lobby will be operated ensuring that the doors are not fixed in the open position.
3. On approach to the terminal hour of the venues operation the music will reduce in tempo and volume and create a calmer environment for the exodus.
4. Verbal announcements will be given to advise patrons to leave quietly and signage at exit points will support the verbal announcements.
5. Risk assessments will be carried out externally especially at the terminal hour to ensure that any customers smoking at the front of the venue or awaiting transport will keep their voices to a lower level. This will be enforced by the security officers.
6. The delivery of goods, collection of waste, and bottling out will be carried out at a time when there will be little or no impact on any residents. These processes will not take place between 2300 and 0700.
7. Staff will be actively trained both initially and every 6 months on the need to maintain the licensing objectives, and in particular, the prevention public nuisance.

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**Appendix 6: Withdrawn Representation from Environmental  
Health Authority**

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## **Yvonne Raine**

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**From:** Ted Murphy  
**Sent:** 26 March 2019 10:10  
**To:** Yvonne Raine  
**Cc:** Helen Johnson - Licensing Team Leader (N'hoods)  
**Subject:** RE: Notice of Hearing - Former Walkabout, 13-15 North Road, Durham

Hi Yvonne,

Following a visit to the site today and discussion with the applicant and agent, I am satisfied that the noise control measures proposed are satisfactory. I therefore wish to withdraw my representation and am of the opinion that a hearing is not required in this respect.

Regards

**Ted Murphy**  
**Senior Environmental Health Officer**  
**Environment, Health & Consumer Protection**  
**Regeneration and Local Services**  
**Durham County Council**  
**Annand House**  
**Meadowfield**  
**Durham**  
**DH7 8RS**

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## **Yvonne Raine**

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**From:** Ted Murphy  
**Sent:** 21 March 2019 12:20  
**To:** Yvonne Raine  
**Cc:** Helen Johnson - Licensing Team Leader (N'hoods)  
**Subject:** 13-15 North Road Former Walkabout

Hi Yvonne,

In light of recent information received I would like to withdraw our initial comments and make representation regarding this application, specifically on grounds of concern for achieving the Licensing objective Prevention of Public Nuisance. A site meeting will be arranged with the applicant to discuss the noise control measures proposed in the application to achieve the licensing objective. Further comments will be provided following the site meeting.

Regards

**Ted Murphy**  
**Senior Environmental Health Officer**  
**Environment, Health & Consumer Protection**  
**Regeneration and Local Services**  
**Durham County Council**  
**Annand House**  
**Meadowfield**  
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## **Appendix 7: Representations**

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**Yvonne Raine**

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**From:** Adam Shanley ·  
**Sent:** 18 March 2019 17:52  
**To:** AHS Licensing  
**Subject:** City of Durham Parish Council representation re: Northumberland Taverns Ltd application  
**Attachments:** Northumberland Taverns application.docx

Dear Licensing,

Please find attached a formal representation from the City of Durham Parish Council in relation to the Northumberland Taverns Ltd new premises application.

Yours sincerely,

**Adam Shanley**  
**Clerk to City of Durham Parish Council**

## **City of Durham Parish Council response to Licensing consultation**

### **Application Summary**

Applicant: Northumberland Taverns Ltd

Address: Former Walkabout, 13-15 North Road. Durham. DH1 4SG

License type: New premises license application

### **Consultee Details**

Name: (on behalf of) City of Durham Parish Council – Adam Shanley (Clerk)

Address:

Email:

18<sup>th</sup> March 2019

With reference to the above Licensing application, the City of Durham Parish Council wishes to object to this application under the objective of preventing a public nuisance.

The Parish Council wishes to highlight that this area is now occupied by residential properties and is concerned about the likely impact of noise on nearby residents.

The application proposes the playing of live and recorded music. The Parish Council feels that the application does not contain sufficient or appropriate noise controls – such as the inclusion of a noise limiter to the premise – and feels these controls must be in place to prevent excessive noise being emitted. All control measures should also be supplemented with monitoring arrangements so as to ensure that local residents are not being adversely affected by noise as a result of this premise's activities.

Yours sincerely,

**Adam Shanley**  
**Clerk to City of Durham Parish Council**



## **Yvonne Raine**

---

**From:** b mckeon  
**Sent:** 20 March 2019 23:55  
**To:** AHS Licensing  
**Subject:** Re Application for new Licence at former Walkabout premises North Rd., Durham City  
**Categories:** Yvonne

I wish to oppose this application in every respect.

I have lived for over thirty years in Neville St., a steep narrow street in the centre of Durham City which abuts onto North Road, in a house which backs onto the rear of both The Loft and the former Walkabout.

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

The former Walkabout Bar opened in the early years of this century in the former Classic cinema, a large building with a capacity for about eight hundred customers at a time. At that time the residents of Neville St. bore the brunt of the late night exodus of students from Walkabout going back to the colleges. This resulted in time in most of the residents of Neville St. being driven out and replaced by students. At that time and for the same reasons I was forced to start sleeping in the bathroom at the rear of my house if I wanted to get any sleep.

A few years after the introduction of the Licensing Act 2003, Walkabout shut down after the parent company went bust, both because of the absurdity of thinking that the idea of 800 people drinking together was an attractive idea over time and because of the inevitable consequences of the deregulation of the procedures for obtaining new licenses which undermined the economics of the whole licensing business.

At the time of the original Walkabout, there was nobody living above the business premises in North Rd. in the vicinity of Walkabout. Since then, with the expansion of Durham University most of the space above the shops has been converted to student accommodation.

Last Sunday, Victoria Ashfield, a Parish Councillor for this area and myself succeeded in accessing the upstairs of a number of the buildings in the neighbourhood of Walkabout and verified that there were at least 80 students living in the immediate vicinity of the premises in question.

All of the students that we talked to who had rooms overlooking North Road suffered considerable disturbance at night from the existing two nightclubs on North Road which I think cater for 400 customers each. Mr. Smurthwaite currently owns one of these clubs, The Loft, which he proposes to move to the former Walkabout premises.

Mr. Smurthwaite has advised us that the new premises will 'double the capacity to that possible in The Loft'. This means that there could be up to 800 students (or other customers) in the new Loft nightclub (i.e. 400 extra) exiting the proposed new club around closing time at 2.30 in the morning.

In addition, at the same time there will be 400 students/customers exiting from the other club nearby The Varsity, spilling onto North Road. This could be up to 1200 students/customers in total (400 extra overall) on the street in the middle of the night in the densest populated area of Durham City.

Some of those students will be using the takeaway at the bottom of Neville St., nearby, which remains open until 3.00am and hanging around noisily afterwards disturbing at least fifty students trying to sleep within yards of them. Hundreds will proceed noisily up Neville St. because that is the direction to reach most of the student accommodation from the centre of Durham.

Apart from myself, (I am the only permanent resident) and another part time resident all the rest of the residents of Neville St. are students. And none of those have the luxury of a bathroom at the back of the house to sleep in (as I have) if it is too noisy sleeping in a front room.

There are at least hundreds of students in total trapped in noisy front rooms in the centre of Durham City unable to sleep at night and there is hardly anybody who notices the fact.

At the last PACT meeting, PCSO Rebecca Carey, the Police Liason Officer for Durham University was quoted as saying that the noise created by students going home at night was now the main cause of disturbance (and complaints) for the residents.

But she could have added that it is an even greater source of disturbance for perhaps a greater number of students than residents and the students are far more likely to be stuck in the front rooms of their houses.

There is another major difference between students and residents and that is that they never complain.

All of the students in Neville St. who live in the rooms overlooking Mr. Smurthwaites's The Loft complain to me, when asked, about the late night noise from The Loft. But they never follow through in making the complaint.

And the reason for this is that they haven't yet fully left home.

These students have never been told by the University that they can complain about noise whilst living out never mind that they should complain nor whom they should complain to. They haven't even been told that they are entitled to a good nights sleep whilst sleeping out.

As one student who finds herself in such a situation at the bottom of Neville St. said to me recently about having to wear earpods with her own music playlist to get to sleep: 'I just thought that it was the part of the price one has to pay for attending a Russell Group University'.

Yours sincerely

E McKeon  
Neville St.  
Durham City  
DH1 4EY

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## **Appendix 8: Comments from Planning Authority**

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**From:** Susan Hyde  
**Sent:** 13 February 2019 11:47  
**To:** Yvonne Raine <Yvonne.Raine@durham.gov.uk>  
**Subject:** CON28/19/00363 13 - 15 North Road, Durham, DH1 4SH

Hello Yvonne,

Re CON28/19/00363 13 - 15 North Road, Durham, DH1 4SH

Thank you for your consultation about the proposed new premises license at the above site.

From our records planning permission was granted in 2001 (4/01/00825/FPA) for the Change of use from D2 Use Class (Assembly and Leisure) to Mixed Use Class A3/D2 (Food and Drink/Assembly and Leisure) which was granted planning permission and implemented. However it appears that the premises then changed its use to form an A3 restaurant and café which I understand was a Chinese buffet restaurant under permitted development rights.

If the proposal is now for an A4 drinking establishment and D2 assembly and leisure to be re-introduced to the premises this is likely to require planning permission to re-introduce this change of use.

Whilst no objection is raised to the proposed premises licence I would be pleased if you could request the applicant contacts planning services regarding the requirement for a change of use application for the premises to form a mixed use A4 public and D2 assembly and leisure use.

I trust the above assists and if you require any further information please contact me.

Kind Regards,

Sue

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

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## **Appendix 9: Responses from Responsible Authorities**

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**From:** Lee Peacock

**Sent:** 07 February 2019 10:05

**To:**

**Cc:** AHS Licensing <Licensing@durham.gov.uk>; Yvonne Raine <Yvonne.Raine@durham.gov.uk>

**Subject:** New premises Licence Application

Good Morning,

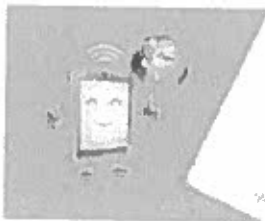
My Ref: LP/2019/014

I represent the Durham Local Safeguarding Children Board (LSCB) which is a responsible authority under the licensing act. I have received a copy of your application for a premises licence for your premises at the former Walkaboutvenue, 13-15 North Road

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I have no comments or objections regarding your application on behalf of the LSCB.

Lee Peacock  
Strategy & Development Officer  
Durham LSCB  
Durham County Hall  
DH15UJ

[Lscb-gcsx@durham.gcsx.gov.uk](mailto:Lscb-gcsx@durham.gcsx.gov.uk)  
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**From:** Sean Barry  
**Sent:** 19 February 2019 14:25  
**To:** Yvonne Raine <Yvonne.Raine@durham.gov.uk>  
**Cc:** AHS Licensing <Licensing@durham.gov.uk>  
**Subject:** RE: Licensing Act 2002 - New Premises Licence Application - Former Walkabout, 13-15 North Rd, Durham

Good Afternoon

I have received a new licence application for the establishment: Former Walkabout, 13-15 North Road, Durham, DH1 4SG

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

My Ref: PH/2019/016

Thanks  
Sean

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## **Appendix 10: Statement of Licensing Policy**

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## **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 B. Framework Licensing Hours - recommended hours for the operation of licensable activities (the sale of alcohol and the provision of late night refreshment) for categories of licensed premises situated within the County of Durham.**

<b>Category of Premise</b>	<b>Weekdays (Sunday to Thursday)</b>	<b>Weekends (Friday night into Saturday morning and Saturday night into Sunday morning)</b>	<b>Bank Holidays</b>
For premises licences and club premises certificates authorising the sale or supply of alcohol for consumption on or off the premises	07.00 to 00.00	07.00 to 01.00	<p>Good Friday Plus 1 Hour            For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>
For licences not including the sale or supply of alcohol	07.00 to 23.30	07.00 to 00.30	<p>Good Friday Plus 1 Hour            For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>
For licences not including the sale or supply of alcohol (community centres, village halls)	07.00 to 00.00	07.00 to 01.00	<p>Good Friday Plus 1 Hour            For all other bank holidays, an additional hour be added to the terminal hour of</p>

			<p>the day preceding the bank holiday</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>
<p>For licences authorising late night refreshment as the primary licensable activity (takeaways)</p>	01.00	02.00	<p>Good Friday Plus 1 Hour</p> <p>For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>

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**Appendix 11: Section 150(4) The Licensing Act 2003 and  
Section 182 Guidance**

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## **THE LICENSING ACT 2003 – SECTION 150**

### **150 Consumption of alcohol by children**

- (1) An individual aged under 18 commits an offence if he knowingly consumes alcohol on relevant premises.
- (2) A person to whom subsection (3) applies commits an offence if he knowingly allows the consumption of alcohol on relevant premises by an individual aged under 18.
- (3) This subsection applies—
  - (a) to a person who works at the premises in a capacity, whether paid or unpaid, which authorises him to prevent the consumption, and
  - (b) where the alcohol was supplied by a club to or to the order of a member of the club, to any member or officer of the club who is present at the premises at the time of the consumption in a capacity which enables him to prevent it.
- (4) Subsections (1) and (2) do not apply where—
  - (a) the individual is aged 16 or 17,
  - (b) the alcohol is beer, wine or cider,
  - (c) its consumption is at a table meal on relevant premises, and
  - (d) the individual is accompanied at the meal by an individual aged 18 or over.

## **SECTION 182 GUIDANCE**

### **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.