

Statutory Licensing Sub-Committee

14th May 2019

Application for the grant of a Premises Licence

Ordinary Decision



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

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

Electoral division(s) affected:

Chester-le-Street North

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for 88 Front Street, Chester-le-Street. DH3 3BB received from Mrs Lindsay Jane Morton.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application is for the grant of a new Premises Licence for a confectionery store to sell alcohol for consumption off the premises from 08:00 hrs until 20:00 hrs Monday to Saturday inclusive and from 12:00 hrs until 17:00 hrs on Sunday.
- 4 The Licensing Authority had originally scheduled a committee hearing for 9th April 2019 in relation to this application, but Durham Constabulary were unable to attend and subsequently requested an adjournment under Regulation 11 of the Licensing Act (Hearings) Regulations 2005. The adjournment was agreed to allow Durham Constabulary to be present at the hearing.
- 5 The Durham Local Safeguarding Children Board mediated with the applicant and an additional condition was agreed.

- 6 Representations opposing the application have been received; one from a Responsible Authority, namely Durham Constabulary, one from Councillor Bainbridge and thirteen from local residents.

Recommendation(s)

- 7 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 8 The Sub-Committee is recommended to give appropriate weight to:
- (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations (including supporting information) presented by all parties;
 - (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 8;
 - (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 9.

Background

- 9 Background information

Applicant	Mrs Lindsay Jane Morton	
Type of Application:	Date received:	Consultation ended:
New premises licence	13th February 2019	13th March 2019

Details of the application

- 10 An application for the grant of a premises licence was received by the Licensing Authority on 13th February 2019. A copy of the application is attached at Appendix 3.
- 11 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 12 The application requests permission for the following licensable activity:

Licensable Activities	Days & Hours
Supply of Alcohol (consumption off the premises)	Monday to Saturday: 08:00 to 20:00 hrs Sunday: 12:00 to 17:00 hrs

Proposed Opening Times	Monday to Saturday: 08:00 to 20:00 hrs Sunday: 12:00 to 17:00 hrs
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- 13 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.
- 14 For Members' information – The Durham Local Safeguarding Children Board mediated with the applicant and the following additional condition was agreed:

Minimise the risk of proxy sales – The applicant will work with the police to minimise the risk of proxy provision / proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).

For confirmation, please see Appendix 4.

The Representations

- 15 The Licensing Authority received one representation from a Responsible Authority, namely Durham Constabulary
- A copy of the representation is attached at Appendix 5.
- 16 The Licensing Authority received a representation from an Other Person, namely Councillor Beaty Bainbridge.
- A copy of this representation is attached at Appendix 6.
- 17 The Licensing Authority also received a bundle of pre-typed documents submitted in one envelope. This contained 16 letters of representation from 'other persons'. The Licensing Authority wrote to all individuals to validate the letters. Please see below.
- 18 The Licensing Authority received responses from the following nine residents validating their representations and confirming it was their intention for their representation to be considered:
- Mr D Briggs (other person)
 - Ms B Banks (other person)
 - Mr K Wilson (other person)
 - Ms C A Barclay (other person)
 - Mr D J Barclay (other person)
 - Mrs L Spark (other person)
 - Mr D King (other person)
 - Mr R Beach (other person)
 - Mrs E Beach (other person)

19 The Licensing Authority deemed all of the above mentioned representations as relevant, relating to the following licensing objectives:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Copies of these representations are attached at Appendix 6.

20 At the time the report was written, the following four residents' representations remain unvalidated and Members should therefore attach the appropriate weight to these representations:

- 1 resident of Wear Street (other person)
- D Lowery (other person)
- Mr F Nelsson (other person)
- Mr R Franklin (other person)

Copies of these representations are also attached at Appendix 6 for information.

21 The following three residents confirmed that they wished to withdraw their representations and no longer wished them to be considered:

- Mrs S Standish (other person)
- L Corfield (other person)
- Mrs A Franklin (other person)

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

- Durham County Council Environmental Health Department
- Durham County Council Public Health Department
- Durham County Council Planning Department

Copies of these responses are attached at Appendix 7.

The Parties

23 The Parties to the hearing will be:

- Mrs Lindsay Jane Morton (Applicant)
- Durham Constabulary (Responsible Authority)
- Councillor Beaty Bainbridge (other person)
- Mr D Briggs (other person)
- Ms B Banks (other person)
- Mr K Wilson (other person)
- Ms C A Barclay (other person)
- Mr D J Barclay (other person)
- Mrs L Spark (other person)
- Mr D King (other person)
- Mr R Beach (other person)
- Mrs E Beach (other person)
- 1 resident of Wear Street (other person)
- D Lowery (other person)
- Mr F Nelsson (other person)
- Mr R Franklin (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

Contact: Yvonne Raine

Tel: 03000 265256

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

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

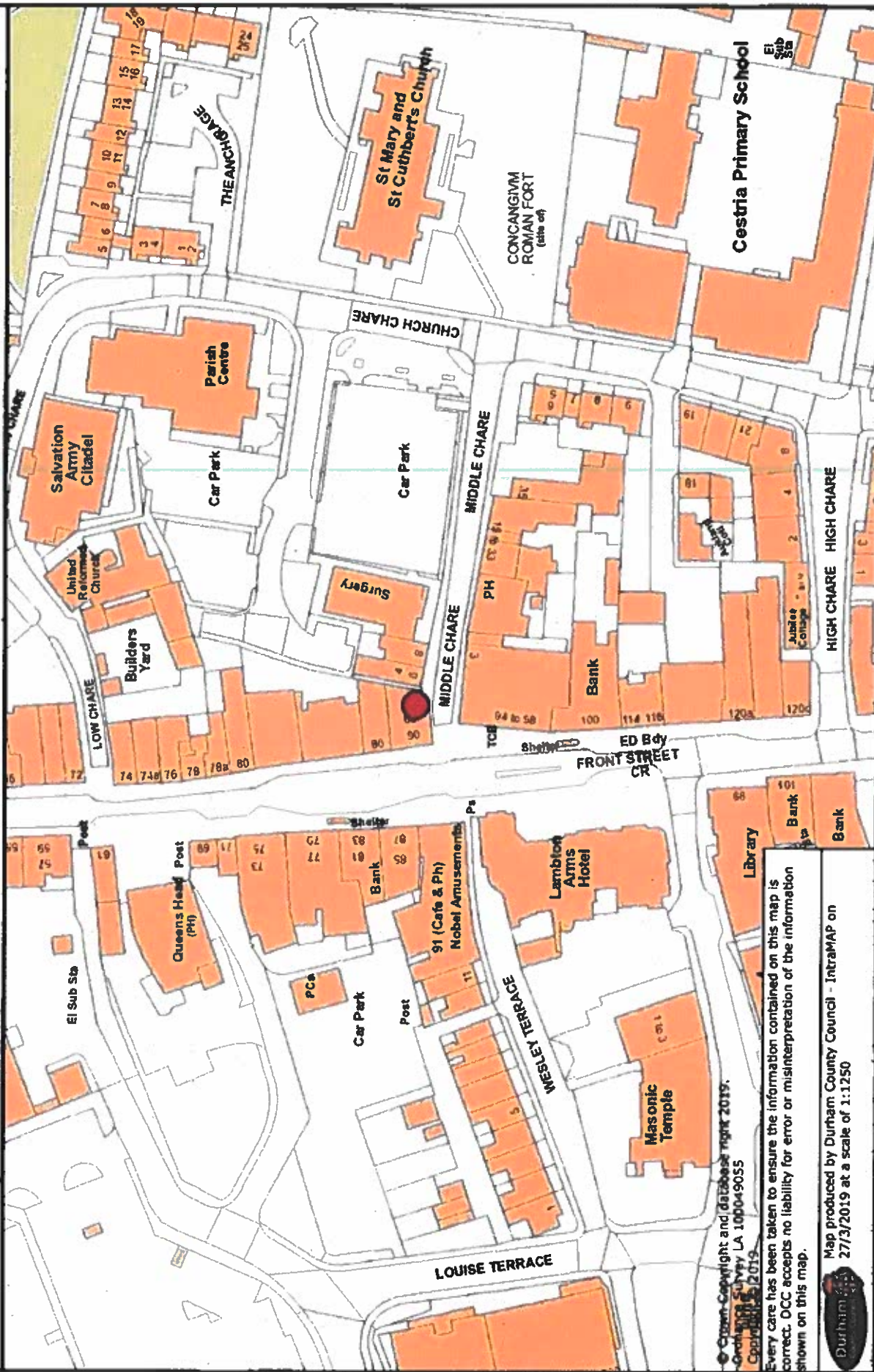
Notice of the application was published in a newspaper which was circulated within the vicinity of the premises.

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

Appendix 2: Location Plan

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

Durham County Council - IntraMAP



Appendix 3: Application

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/we LINDSAY JANE MORTON
(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
88 FRONT STREET			
Post town	CHESTER - LE - STREET	Postcode	DH3 3BB
Telephone number at premises (if any)		/	
Non-domestic rateable value of premises		£ 11,000	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|--|---|
| <p>a) an individual or individuals *</p> <p>b) a person other than an individual *</p> <p style="margin-left: 20px;">i as a limited company/limited liability partnership</p> <p style="margin-left: 20px;">ii as a partnership (other than limited liability)</p> <p style="margin-left: 20px;">iii as an unincorporated association or</p> | <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | <p>please complete section (A)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> |
|--|--|---|

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

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	03	2019

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

DD	MM	YYYY

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

SHOP IN FRONT STREET, CHESTER-16 STREET.
SELLING CONFECTIONERY WOULD LIKE TO SELL ALCOHOL
AS AN OFF LICENCE. NO BAR ALCOHOL TO BE
CONSUMED ON PREMISES.

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

--

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)			
Wed						
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Fri						
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	8.00 am	8 pm			
Tue	8 am	8 pm			
Wed	8 am	8 pm			
Thur	8 am	8 pm			
Fri	8 am	8 pm			
Sat	8 am	8 pm			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	12 pm	5 pm			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	LINDSAY JANE MORTON	
Date of birth		
Address		
Postcode		
Personal licence number (if known)		
Issuing licensing authority (if known)		

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	None
Mon	8 am	8 pm	
Tue	8 am	8 pm	
Wed	8 am	8 pm	
Thur	8 am	8 pm	
Fri	8 am	8 pm	
Sat	8 am	8 pm	
Sun	12	5 pm	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

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

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

Clear Challenge 25 information to be displayed
Roller shutter or window shutter to be fitted to secure shop
Training for staff regularly to keep them up to date on licensing act.

b) The prevention of crime and disorder

CCTV to be installed to monitor entrances + exits.
Not selling alcohol to drunk people or intoxicated people

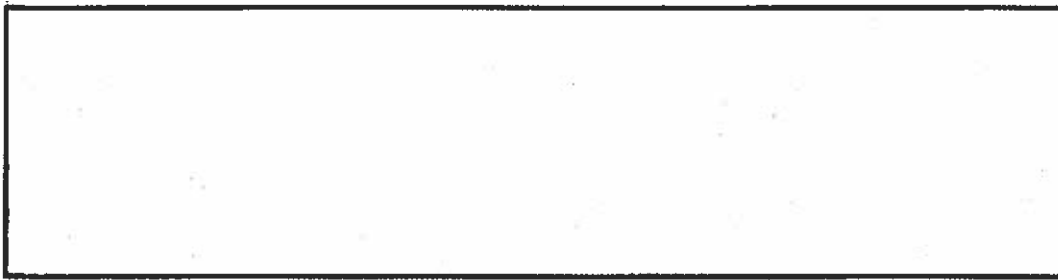
c) Public safety

Training and implementation of underage ID checks
a log book will be kept in case licensing needs to view it.

d) The prevention of public nuisance

The times that we operate would not affect the public as we are only open 9-5.

e) The protection of children from harm



Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [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)
Signature	
Date	28.1.19 LW
Capacity	OWNER.

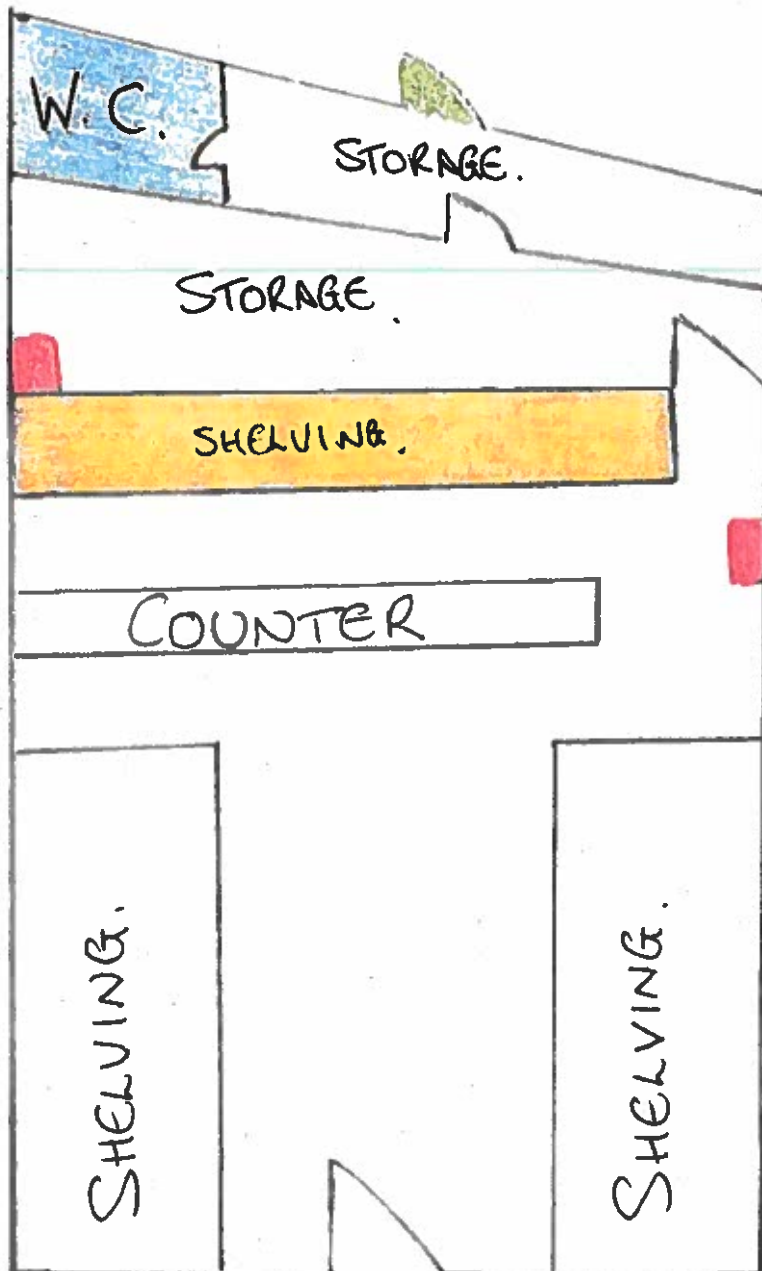
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			


Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:



 FIRE EXIT

 FIRE EXTINGUISHER.

 PROPOSED SHELVING FOR ALCOHOL

1:100
SCAhf

88 FRONT ST.

CHESTER - LE - STROBT

Appendix 4: Additional condition agreed by applicant after mediation with LSCB

Karen Baker

From: Lee Peacock
Sent: 19 February 2019 13:46
To: Karen Baker
Subject: Licensing Application 88 Front St Chester le St Confirmation of response My ref 020

Hi Karen

FYI

Regards

From:
Sent: 14 February 2019 20:49
To: Lee Peacock <
Subject: Re: : Licensing Application

Hi Lee

We are more than happy for you to include this, and thank you for your guidance and input.

Regards

Lindsay Morton

On 14 Feb 2019 12:49, Lee Peacock <

> wrote:

Good Morning,

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 88 Front St, Chester le St

I welcome your proposal for age verification, refusal register and the training of staff.

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I consider that the step around training requires more clarity.

The step I consider should be included are identified in the proposed wording below:

- **Minimise the risk of proxy sales** – The applicant will work with the police to minimise the risk of proxy provision / proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).

The purpose of this email is to make the LSCB representations to you and for you to consider these suggestions.

Next Steps – You need to consider the representations I have made.

If you are happy for the recommendations to be included in your application please confirm so by replying to me and the Licensing Section Licensing@durham.gov.uk

These recommendations will then be included in your application, the matter is deemed resolved and your application would progress.

The Durham Local Safeguarding Children Board are concerned about the availability of alcohol to children and encourage licensees to work with us in introducing steps, like those above in an attempt to safeguard children. I consider these steps are proportionate and have proven to be successful when implemented in similar applications.

Please don't hesitate to contact me if you require further information.

My Ref: LP/2019/020

Regards

Lee

Lee Peacock

Strategy & Development Officer

Durham LSCB

Durham County Hall

**Appendix 5: Representation from Durham Constabulary
(Responsible Authority)**

From: Daniel Darnton
Sent: 12 March 2019 15:51
To: Karen Baker <Karen.Baker@durham.gov.uk>
Cc: AHS Licensing <Licensing@durham.gov.uk>
Subject: FW: Licensing - NEW premises licence Application 88 Front Street Chester Le Street County Durham DH3 3BB

Good Afternoon,

Durham Constabulary object to the below application for a new premises at 88 Front Street, Chester Le Street.

The Constabulary feel the licensing objective; Prevention of Crime and Disorder cannot be met as

On behalf of Licensing Sergeant Caroline Dickenson

Harm Reduction Unit
Meadowfield Office tel 101 ext 75 2351
Darlington Office tel 101 ext 74 2782



Durham Constabulary
Altogether Better Policing

Appendix 6: Representations from Other Persons

Karen Robson

From: Cllr Beaty Bainbridge
Sent: 08 March 2019 21:54
To: Karen Robson
Subject: premises licence

Hi Karen,

As the Cllr for Chester le Street, East. I object to the sale of alcohol at 88, Front Street , Chester le street, County Durham , H33 3BB. For the protection of Children from harm. This shop at lunch time is used by young people from Park View Academy as it sells a wide variety of snack foods. I have attended residents meeting where concerns are raised on the subject.

Thanking you as always

Beaty

Cllr Bainbrigdge

Yvonne Raine

From: Cllr Beaty Bainbridge
Sent: 31 March 2019 20:03
To: Yvonne Raine
Subject: Re: Notice of Hearing - 88 Front Street, Chester-le-Street

Hello Yvonne,

Re; Application for premises licence. On the 9th April 2019 @ 10-00am.88 Front street Chester le street DH3 3BB Green Lane, Spennymoor, Council offices.

I will Attend the hearing.

No one will assist me.

No other person with me will give evidence .

I would like to draw to your attention due to the lay out of the shop, or planning of shelving , and central display of goods.

At lunch time when the young people from school go in to purchase goods for their lunch break.

Staff vacate the shop to stand outside looking through the window observing the young people.

Thanking you as always
Cllr Beaty Bainbridge

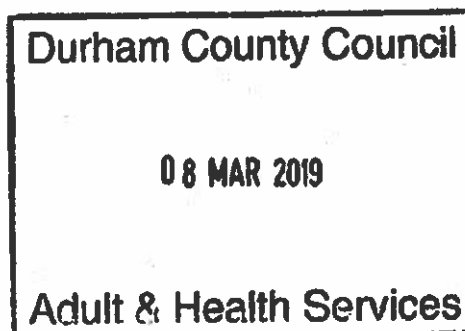
Durham County Council
Licence Manager

Mr D. Briggs
Nesley Terrace
Chester-Le-Street
County Durham
DH33EJ
28th February 2019

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application on the grounds of protection of children from harm. Also on the public nuisance in the street, which this could attract. The street does not need another off licence, there are two Supermarkets and another off licence 5 shops away which the committee put a lot of restrictions when it was before them, same issues young people or schoolchildren. The shop attracts young people because it sells items that they want at a cheap price. The street has hundreds of children in the morning and at lunch time, and in the light night attracts young people on bikes. This would be a magnet for young people. After hours the town gets lots of young people and this can cause public nuisance hanging around outside hoping they can get someone to buy alcohol for them. We see in Ropery Lane outside the one there. I am asking you to think long and hard about this, do we another one when the street is a pedestrian area, and the issues it will bring to our town.

Yours Sincerely.



Durham County Council
Licence Manager

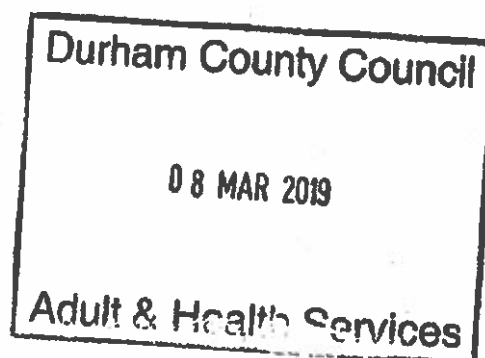
OSBORNE ROAD
CHESTER LE ST
CO DURHAM
DH3 3DS

Validated

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application on the grounds of protection of children from harm. Also on the public nuisance in the street, which this could attract. The street does not need another off licence We as residents think we have plenty of alcohol premises in the town now which cause residents lots of nuisance and disorder causing public safety. About 5 shops from this one we have another off licence premises. This new shop has lots of young people inside and hanging around outside during the school lunch break and after school. It attracts the young due to what it sells. My concern is they could easily get anyone to buy alcohol for them without the shop knowing. We do not need this and I hope you reject this application on the grounds of safety for our children.

Yours



B. Banks

Validated

Osborne Rd.

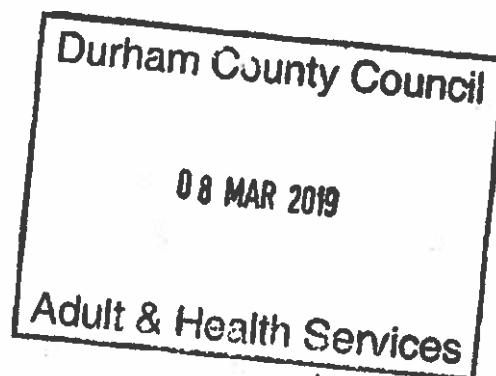
Durham County Council
Licence Manager

Chester Le Street
DH3 3DS.

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application because I believe it will not protect children from harm. We see from another shop how the young gather outside at night and cause trouble and nuisance; they do try to get an adult to buy it for them. This shop is close to another one selling alcohol which has lots of restrictions on the licence, which were the same issues we are now getting again. The street has lots of problems from alcohol due to the fact we have too many premises. This shop will attract the young who could cause disorder and public nuisance. We do not need another shop selling alcohol. On this street it is a pedestrian area so no vehicles could call. As residents of this town we want this refused to prevent further disorder and nuisance and give us some peace.

Yours



K Wilson

Avondale Terrace Validated
Chester-le-Street
Co. Durham
DH3 3ED

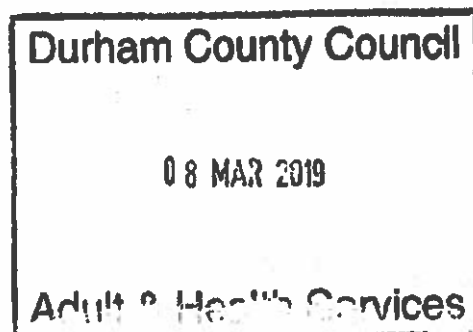
Durham County Council
Licence Manager

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application because I believe it will not protect children from harm. We see from another shop how the young gather outside at night and cause trouble and nuisance; they do try to get an adult to buy it for them. This shop is close to another one selling alcohol which has lots of restrictions on the licence, which were the same issues we are now getting again. The street has lots of problems from alcohol due to the fact we have too many premises. This shop will attract the young who could cause disorder and public nuisance. We do not need another shop selling alcohol. On this street it is a pedestrian area so no vehicles could call. As residents of this town we want this refused to prevent further disorder and nuisance and give us some peace.

Yours

C . A BARCLAY



Validated

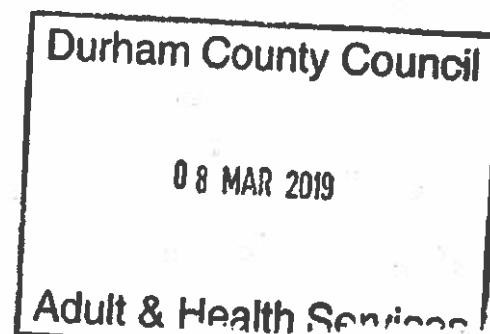
Avondale Terrace
Chester Le Street
Co. Durham
DH3 3EO

Durham County Council
Licence Manager

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this from alcohol licence application because I believe it will harm children and cause a lot of disorder and nuisance in the town. The shop is a magnet now for young people as they sell items that attract them now in large numbers. At lunch time it is full and they are gathering outside. The town does not need a new shop to sell alcohol we have plenty; there is one just up the street about 5 or 6 shops up. I hope you will take on board what we say as we see the state of the tow now due to alcohol. I am concerned that young people could get around the 25 law buy putting pressure on an adult to buy it for them, if there is a group of them outside it will be easy to intimidated someone, as the street does get them in gangs. I ask you to reject this application to stop anymore disorder from alcohol.

D.J. BARCLAY



Durham County Council
Licence Manager

1 STAR
Osborne Rd
Chester le St
Co Durham
DH3 3DS.

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this from alcohol licence application because I believe it will harm children and cause a lot of disorder and nuisance in the town. The shop is a magnet now for young people as they sell items that attract them now in large numbers. At lunch time it is full and they are gathering outside. The town does not need a new shop to sell alcohol we have plenty; there is one just up the street about 5 or 6 shops up. I hope you will take on board what we say as we see the state of the tow now due to alcohol. I am concerned that young people could get around the 25 law buy putting pressure on an adult to buy it for them, if there is a group of them outside it will be easy to intimidated someone, as the street does get them in gangs. I ask you to reject this application to stop anymore disorder from alcohol.

Durham County Council
08 MAR 2019
Adult & Health Services

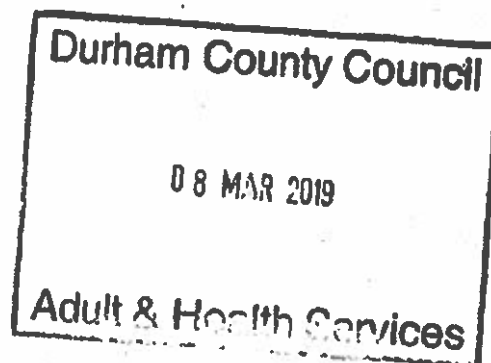
Durham County Council
Licence Manager

① KING
OSBORNE ROAD
CHESTER - LE - STREET
CE DURHAM
DH3 3DS

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application because I believe we do not need another shop selling alcohol in the town. Alcohol is making the town unsafe for older residents to go out. We have issues of public nuisance and disorder now from our alcohol premises. Young school children frequent this shop all day and more at lunch time and after school. It would not be hard for a group of them to get someone older to buy the alcohol. We need to protect our children from harm and by allowing this to go ahead you are not protecting our children. We know about the 25 law but that is easy got round and if shop is busy and full the mistakes can happen. Give residents a break and stop anymore alcohol shops.

Yours



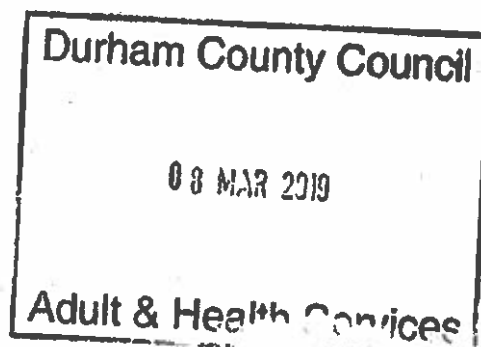
Durham County Council
Licence Manager

MR R BEACH,
WEAR STREET
CHESTER-LE-STREET

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application because I believe it will not protect children from harm. We see from another shop how the young gather outside at night and cause trouble and nuisance; they do try to get an adult to buy it for them. This shop is close to another one selling alcohol which has lots of restrictions on the licence, which were the same issues we are now getting again. The street has lots of problems from alcohol due to the fact we have too many premises. This shop will attract the young who could cause disorder and public nuisance. We do not need another shop selling alcohol. On this street it is a pedestrian area so no vehicles could call. As residents of this town we want this refused to prevent further disorder and nuisance and give us some peace.

Yours

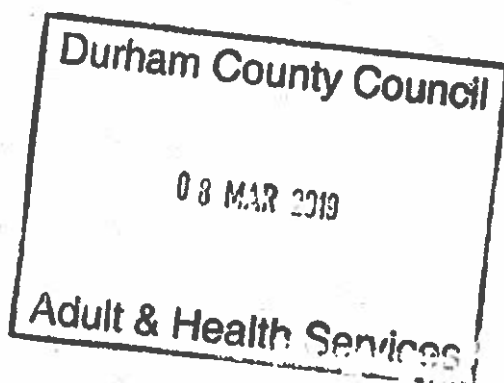


Durham County Council
Licence Manager

MRS E BEACH Validated
Wear St,
Chester-Le-St.
co Durham
DH338

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH3388

I wish to put in my objection to this from alcohol licence application because I believe it will harm children and cause a lot of disorder and nuisance in the town. The shop is a magnet now for young people as they sell items that attract them now in large numbers. At lunch time it is full and they are gathering outside. The town does not need a new shop to sell alcohol we have plenty; there is one just up the street about 5 or 6 shops up. I hope you will take on board what we say as we see the state of the town now due to alcohol. I am concerned that young people could get around the 25 law buy putting pressure on an adult to buy it for them, if there is a group of them outside it will be easy to intimidate someone, as the street does get them in gangs. I ask you to reject this application to stop anymore disorder from alcohol.

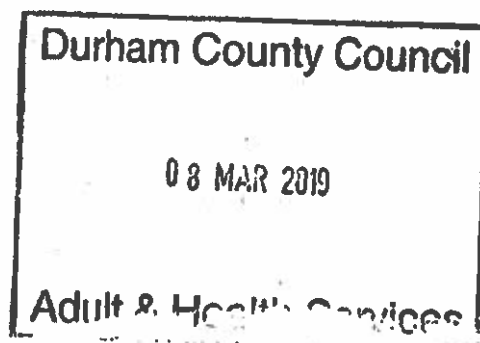


Durham County Council
Licence Manager

WEAR STREET
CH - LE - ST
DH3 3PG

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this from alcohol licence application because I believe it will harm children and cause a lot of disorder and nuisance in the town. The shop is a magnet now for young people as they sell items that attract them now in large numbers. At lunch time it is full and they are gathering outside. The town does not need a new shop to sell alcohol we have plenty; there is one just up the street about 5 or 6 shops up. I hope you will take on board what we say as we see the state of the tow now due to alcohol. I am concerned that young people could get around the 25 law buy putting pressure on an adult to buy it for them, if there is a group of them outside it will be easy to intimidated someone, as the street does get them in gangs. I ask you to reject this application to stop anymore disorder from alcohol.



(Rothwell ?)

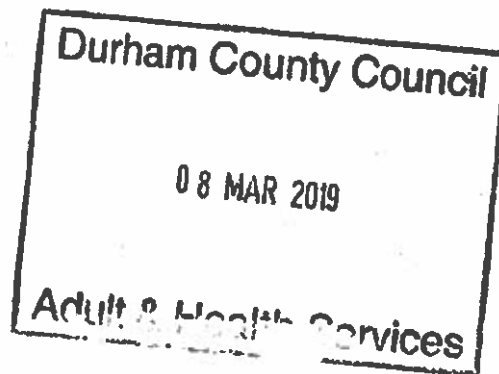
Durham County Council
Licence Manager

D. Lawton
OSBORNE B.
DH3 3DS.

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application on the grounds of protection of children from harm. Also on the public nuisance in the street, which this could attract. The street does not need another off licence We as residents think we have plenty of alcohol premises in the town now which cause residents lots of nuisance and disorder causing public safety. About 5 shops from this one we have another off licence premises. This new shop has lots of young people inside and hanging around outside during the school lunch break and after school. It attracts the young due to what it sells. My concern is they could easily get anyone to buy alcohol for them without the shop knowing. We do not need this and I hope you reject this application on the grounds of safety for our children.

Yours



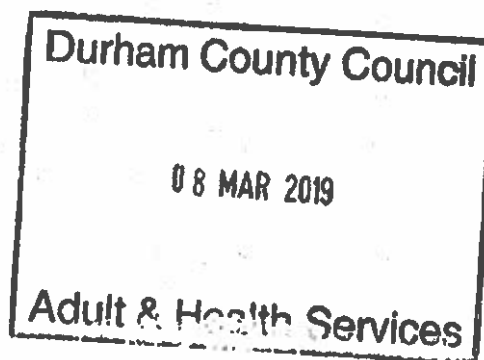
Durham County Council
Licence Manager

F. Neilson
Wesley Tewaue
Cher-le-Sweers

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application because I believe it will not protect children from harm. We see from another shop how the young gather outside at night and cause trouble and nuisance; they do try to get an adult to buy it for them. This shop is close to another one selling alcohol which has lots of restrictions on the licence, which were the same issues we are now getting again. The street has lots of problems from alcohol due to the fact we have too many premises. This shop will attract the young who could cause disorder and public nuisance. We do not need another shop selling alcohol. On this street it is a pedestrian area so no vehicles could call. As residents of this town we want this refused to prevent further disorder and nuisance and give us some peace.

Yours

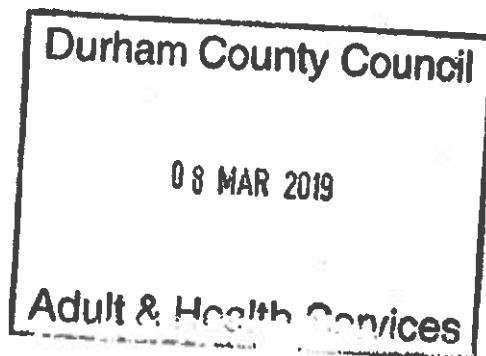


Durham County Council
Licence Manager

MR R. FRANKLIN
WESLEY TCG
CHESTER-LE-ST
CO DURHAM
DH3 3EJ

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this from alcohol licence application because I believe it will harm children and cause a lot of disorder and nuisance in the town. The shop is a magnet now for young people as they sell items that attract them now in large numbers. At lunch time it is full and they are gathering outside. The town does not need a new shop to sell alcohol we have plenty; there is one just up the street about 5 or 6 shops up. I hope you will take on board what we say as we see the state of the town now due to alcohol. I am concerned that young people could get around the 25 law buy putting pressure on an adult to buy it for them, if there is a group of them outside it will be easy to intimidate someone, as the street does get them in gangs. I ask you to reject this application to stop anymore disorder from alcohol.



Appendix 7: Responses from Responsible Authorities

Karen Baker

From: Ted Murphy
Sent: 18 February 2019 09:20
To: Karen Baker
Subject: Premises Licence Application - Fancy That 88 Front Street Chester le Street

Hi Karen,

I have no objection to the application for a premises licence.

Regards

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

Direct:
Switchboard: 03000 260000
E-mail:

Web: www.durham.gov.uk
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Follow us on [linkedin.com/company/durham-county-council](https://www.linkedin.com/company/durham-county-council)
Follow us on Instagram @durham_county_council

We have recently updated our privacy information. To find out how we collect, use, share and retain your personal data, visit: www.durham.gov.uk/dataprivacy

Karen Baker

From: Sean Barry
Sent: 06 March 2019 10:06
To: Karen Baker
Cc: AHS Licensing
Subject: RE: Licensing - NEW premises licence Application 88 Front Street Chester Le Street
County Durham DH3 3BB

Good Morning

I have received an application to vary a licence for the establishment: 8 Front Street Chester Le Street County Durham DH3 3BB

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

My Ref: PH/2019/020

Thanks
Sean

Karen Baker

From: Lisa Morina
Sent: 15 February 2019 08:15
To: Karen Baker
Subject: Premises Licence - 88 Front Street, CLS

Karen

Proposed Application for a new premises licence.
At 88 Front Street Chester-le-Street DH3 3BB

I refer to the above premises licence.

I can confirm that the planning department have no objections to this.

I trust this information is of assistance.

Thanks

Lisa

Lisa Morina
Planning Officer
Planning Development (Central East),
Room 4/86-102
County Hall, Durham
DH1 5UL
Tel:

www.durham.gov.uk
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Follow us on Instagram @durham_county_council

Help shape the future of County Durham

Have your say on the County Durham Plan at
www.durham.gov.uk/future
22 June - 3 August 2018



Appendix 8: Statement of Licensing Policy

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

7.0 The Prevention of Crime and Disorder

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

7.2 As a matter of policy, the Licensing Authority will require every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter.

7.3 The Licensing Authority recommends that all applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit 14 television in certain premises should be considered by applicants, licensees and event organisers when addressing this issue.

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

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

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

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

arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. The Licensing Authority considers it to be good practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:

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

7.8 The Licensing Authority will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that particular premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

7.9 Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager.

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

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

7.12 Toughened/Safety Glass Policy: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

7.13 Drugs/Knives/Weapons: The Licensing Authority will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands within the premises in order to

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

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.

10.0 Protection of Children from Harm

10.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm and the effects of alcohol on parenting.

10.2 The Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:

- At any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
- Between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises
- The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.

10.3 The Licensing Authority may consider the following when dealing with a licence application where children may have limited access:

- Limitations on the hours when children may be present.
- Limitations on under 18s
- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult to be present.
- Full exclusion of people under 18 from the premises when certain licensable

- activities are taking place (e.g. entertainment of a sexual nature).
- Limitations on the parts of premises to which children might be given access.
- Any other limitations appropriate to the application and according with the four licensing objectives.

10.4 The Licensing Authority will work closely with the Police and the Council's Trading Standards service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17 year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25.

10.5 The Licensing Authority is aware of young persons' vulnerability to alcohol and events which are aimed at children under the age of 18 years on licensed premises will not be supported by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

10.6 The Licensing Authority, Durham Constabulary Alcohol Harm Reduction Unit and the Local Safeguarding Children Board have produced a "good practice guide" for an event catering for under-18's and mixed events of under and over 18's. This guide is highly recommended by the Licensing Authority and should be adhered to by licence holders and event organisers.

10.7 Recorded staff training programmes, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales and proxy sales and are to be encouraged.

10.8 The Licensing Authority commends the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.

10.9 Access to Cinemas: In the case of premises requiring an licence to show films, applicants should include in the operating schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

10.10 The Act provides that it is mandatory for Licensing Authorities to include a condition in all premises licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Licensing Authority itself.

10.11 Should the Licensing Authority need to adopt its own system of film classification the information regarding such classifications will be published on the Local Authority's website.

10.12 Children and Public Entertainment: Many children go to see and / or take part in an entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises.

10.13 Where entertainment requiring a Licence is specifically presented for children, the Licensing Authority will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The Council will require those caring for or supervising children to have undergone an appropriate Criminal Record check with the Disclosure and Barring Service.

10.14 With regard to this Licensing Objective, the Licensing Authority considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified as a result of premises, personal applications and all variations to licences are covered by this protocol.

10.15 Applicants are advised to seek advice from the Local Safeguarding Children Board and incorporate any recommendations in their Operating Schedule before submitting their applications

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.

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

			<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>

Appendix 9: Section 182 Guidance

Crime and disorder

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

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

Public nuisance

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

legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

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

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café

bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in

the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

- 2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act

Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority