

## **Statutory Licensing Sub-Committee**

**4<sup>th</sup> June 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 Odeon Luxe Cinema, Unit 15, The Riverwalk, Durham. DH1 4SL from Odeon Cinemas Limited.
- 2 A plan showing the location of the premises is attached at Appendix 2.

### **Executive summary**

- 3 The application requests the granting of a Premises Licence for a new cinema and was submitted to the Licensing Authority on 5<sup>th</sup> April 2019 by Ms Suzanne Davies of Clifton Davies Consultancy Limited on behalf of the applicants.
- 4 The application is for the Sale of Alcohol for consumption on and off the premises from 11:00 hrs until 00:00 hrs Sunday to Thursday and from 11:00 hrs until 01:00 hrs on Fridays and Saturdays; the provision of Regulated Entertainment from 09:00 hrs until 01:00 hrs Sunday to Thursday and from 09:00 hrs until 02:00 hrs. on Fridays and Saturdays and the provision of Late Night Refreshment from 23:00 hrs until 01:00 hrs Sunday to Thursday and from 23:00 hrs until 02:00 hrs Fridays and Saturdays.
- 5 On up to ten occasions per year, the application requests an extension of hours for the Sale of Alcohol up until 01:00 hrs and an extension for Regulated Entertainment and Late Night Refreshment up until 03:00 hrs.

- 6 Following mediation with Durham Constabulary, the applicant agreed to add an additional condition to those already set out within the application.
- 7 Durham County Council Environmental Health Authority, the County Durham Public Health department and the County Durham and Darlington Fire Safety Authority all responded to the consultation with no comments.
- 8 Two objections from 'other persons' were received during the consultation period; one from Ms Roberta Blackman-Woods MP and one from the Durham City Parish Council. Additional information was also provided by Ms Blackman-Woods on 17<sup>th</sup> May 2019.
- 9 In response to the objections, Ms Davies wrote to Ms Blackman-Woods, MP and Durham City Parish Council to provide further details on the way the applicants propose to operate the premises.

### **Recommendation(s)**

- 10 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 11 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**

- 12 Background information

<b>Applicants</b>	<b>Odeon Cinemas Limited</b>	
<b>Type of Application:</b>	<b>Date received:</b>	<b>Consultation ended:</b>
<b>New premises licence</b>	<b>5<sup>th</sup> April 2019</b>	<b>3<sup>rd</sup> May 2019</b>

## Details of the application

- 13 An application for the grant of a premises licence was received by the Licensing Authority on 5<sup>th</sup> April 2019. A copy of the application is attached at Appendix 3.
- 14 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 15 The activities requested are as follows:

Licensable Activities	Days & Hours
Supply of Alcohol (consumption on and off the premises)	Sunday to Thursday: 11:00 to 00:00 hrs. Friday and Saturday: 11:00 to 01:00 hrs. On no more than 10 occasions in any calendar year: 11:00 to 01:00 hrs (on any day of the week if not already authorised)
Plays, Films, Live Music, Recorded Music, Performances of Dance, Similar Entertainment (All Indoors)	Sunday to Thursday: 09:00 to 01:00 hrs. Friday and Saturday: 09:00 to 02:00 hrs. On no more than 10 occasions in any calendar year: 09:00 to 03:00 hrs (on any day of the week)
Late Night Refreshment (Indoors and Outdoors)	Sunday to Thursday: 23:00 to 01:00 hrs. Friday and Saturday: 23:00 to 02:00 hrs. On no more than 10 occasions in any calendar year: 23:00 to 03:00 hrs (on any day of the week)
Proposed Opening Times	Sunday to Thursday: 09:00 to 01:00 hrs. Friday and Saturday: 09:00 to 02:00 hrs. On no more than 10 occasions in any calendar year: 09:00 to 03:00 hrs (on any day of the week)

- 16 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.
- 17 On 18<sup>th</sup> April 2019, following mediation with Durham Constabulary, the applicants added the following additional condition to the application:

- All staff involved in the sale of alcohol shall be properly trained in accordance with the premises licence holder's own training programme and retrained every six months. Training records shall be made available to the police or authorised officer of the licensing authority on request.

For confirmation, please see Appendix 4.

## **The Representations**

- 18 The Licensing Authority received two representations during the consultation period from the following:
- Ms Roberta Blackman-Woods, MP (Other person)
  - Durham City Parish Council (Other persons)
- 19 Additional information was provided by Ms Blackman-Woods on 17<sup>th</sup> May 2019, in support of her representation.
- 20 The Licensing Authority deemed the representations as relevant, relating to the following licensing objectives:
- The Prevention of Crime and Disorder
  - Public Safety
  - The Prevention of Public Nuisance
  - The Protection of Children from Harm

Copies of the representations and supporting information from Ms Blackman-Woods are attached at Appendix 5.

- 21 On 14<sup>th</sup> May 2019, Ms Suzanne Davies, Consultant for the applicants, wrote to Ms Blackman-Woods and Durham City Parish Council to provide further details on the way the applicants propose to operate the premises.

Copies of these e-mails are attached at Appendix 6.

- 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 Authority
  - Durham County Council Public Health Department

- County Durham and Darlington Fire Safety Authority

Copies of these responses are attached at Appendix 7.

## **The Parties**

23 The Parties to the hearing will be:

- Odeon Cinemas Limited – Mr Duncan Kerr, Project Manager and Ms Miranda Harding, General Manager (applicants)
- Ms Suzanne Davies, Clifton Davies Consultancy Limited (applicant's consultant)
- Mr Nick Rippin, on behalf of Ms Roberta Blackman-Woods (other person)
- Durham City Parish Council (other persons)

## **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.

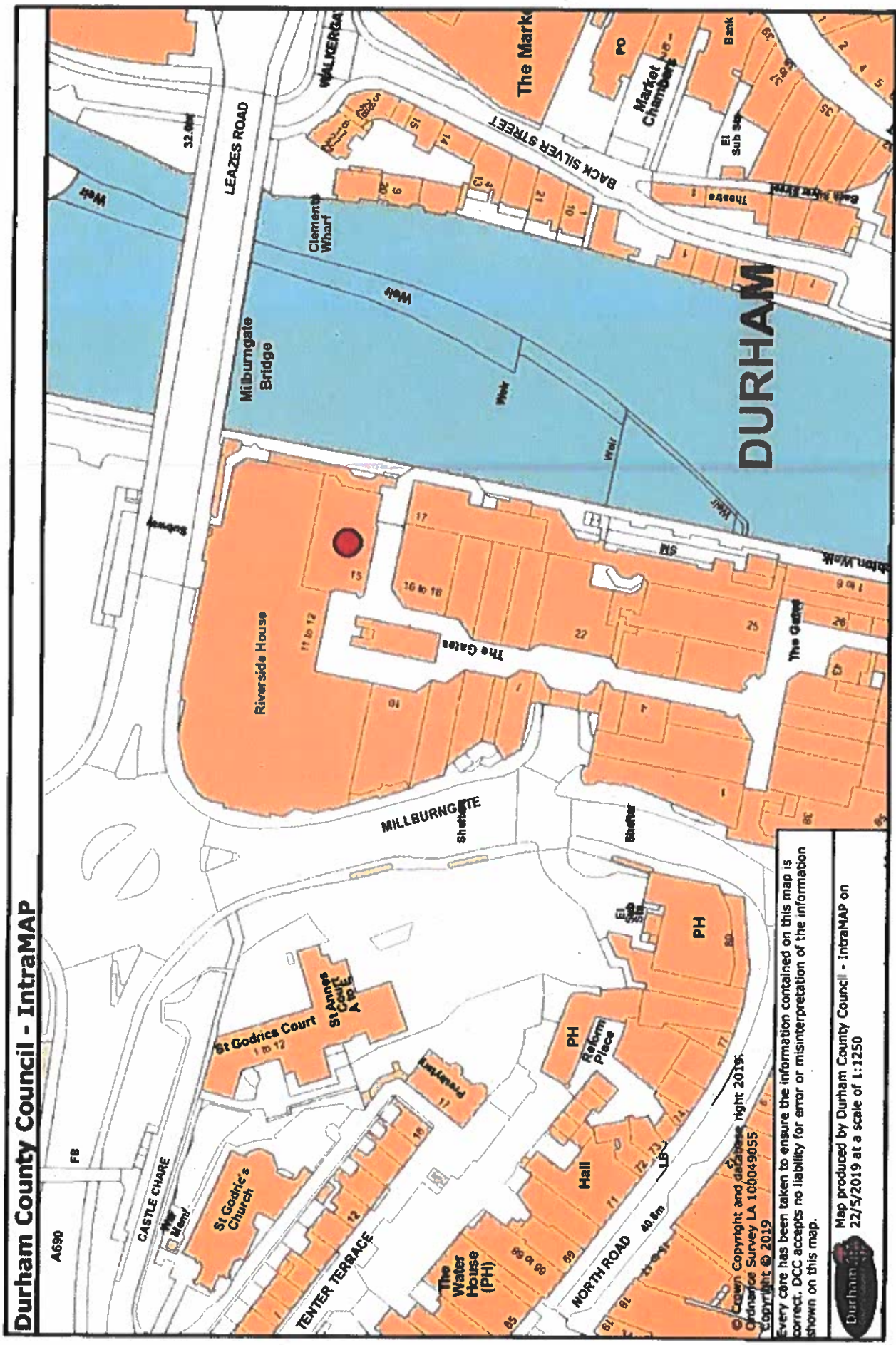
In addition, details of the application were available to view on the Council's website throughout the 28 day consultation period.

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## Appendix 2: Location Plan

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## **Appendix 3: Application**

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**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 Odeon Cinemas Limited**

*(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 Odeon Luxe Cinema Unit 15 The Riverwalk			
Post town	Durham	Postcode	DH1 4SL

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£434 000.00

**Part 2 - Applicant details**

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

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | 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 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 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)	
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<b>Surname</b>		<b>First names</b>	
<b>Date of birth over</b>		I am 18 years old or <input type="checkbox"/> Please tick yes	
<b>Nationality</b>			
Current residential address if different from premises address			
Post town		Postcode	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

**(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.

<b>Name</b> Odeon Cinemas Limited
<b>Address</b> 3 <sup>rd</sup> Floor St Alban's House 57-59 Haymarket London SW1Y 4QX
<b>Registered number (where applicable)</b> 1854132
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> Limited Company
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b>

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

As soon as possible

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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)  | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B)  | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

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

X

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

X

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X		
Day	Start	Finish		Outdoors	<input type="checkbox"/>		
				Both	<input type="checkbox"/>		
Mon	09.00	01.00		<b>Please give further details here</b> (please read guidance note 4)			
Tue	09.00	01.00					
Wed	09.00	01.00				<b>State any seasonal variations for performing plays</b> (please read guidance note 5)	
Thur	09.00	01.00					
Fri	09.00	02.00		<b>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</b> (please read guidance note 6)  On no more than ten occasions in any calendar year, the premises may be used for the performance of plays from 09.00 to 03.00 on any day of the week.			
Sat	09.00	02.00					
Sun	09.00	01.00					



**B**

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	09.00	01.00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	09.00	01.00			
Wed	09.00	01.00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur	09.00	01.00			
Fri	09.00	02.00	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	09.00	02.00	On no more than ten occasions in any calendar year, the premises may be used for the exhibition of films from 09.00 to 03.00 on any day of the week.		
Sun	09.00	01.00			

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b>Please give further details</b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 5)
Wed			
Thur			<b>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</b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					

**E**

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" 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	09.00	01.00			
Tue	09.00	01.00			
Wed	09.00	01.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur	09.00	01.00			
Fri	09.00	02.00	<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	09.00	02.00	On no more than ten occasions in any calendar year, the premises may be used for the performance of live music from 09.00 to 03.00 on any day of the week.		
Sun	09.00	01.00			

**F**

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	X
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	09.00	01.00	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	09.00	01.00			
Wed	09.00	01.00	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur	09.00	01.00			
Fri	09.00	02.00	<b><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></b> (please read guidance note 6)		
Sat	09.00	02.00			
Sun	09.00	01.00	On no more than ten occasions in any calendar year, the premises may be used for the playing of recorded music from 09.00 to 03.00 on any day of the week.		

**G**

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	X
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	09.00	01.00	<b>Please give further details here</b> (please read guidance note 4)		
Tue	09.00	01.00			
Wed	09.00	01.00	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur	09.00	01.00			
Fri	09.00	02.00	<b>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</b> (please read guidance note 6)		
Sat	09.00	02.00	On no more than ten occasions in any calendar year, the premises may be used for the performance of dance from 09.00 to 03.00 on any day of the week.		
Sun	09.00	01.00			

**H**

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	X
Mon	09.00	01.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	09.00	01.00	<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p>		
Wed	09.00	01.00	<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)</p>		
Thur	09.00	01.00	<p><b><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></b> (please read guidance note 6)</p>		
Fri	09.00	02.00	<p>On no more than ten occasions in any calendar year, the premises may be used for the entertainment of a similar description to that falling within (e), (f) or (g) from 09.00 to 03.00 on any day of the week.</p>		
Sat	09.00	02.00			
Sun	09.00	01.00			

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	
Day	Start	Finish		Outdoors	
Mon	23.00	01.00	Please give further details here (please read guidance note 4)	Both	X
Tue	23.00	01.00			
Wed	23.00	01.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23.00	01.00			
Fri	23.00	02.00	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 (please read guidance note 6)		
Sat	23.00	02.00			
Sun	23.00	01.00	On no more than ten occasions in any calendar year, the premises may be used for the provision of late night refreshment from 23.00 to 03.00 on any day of the week.		



**J**

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	
Day	Start	Finish		Off the premises	
Mon	11.00	00.00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)        <u>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</u> (please read guidance note 6)  On no more than ten occasions in any calendar year, the premises may be used for the supply of alcohol from 11.00 to 01.00 on any day of the week if not already authorised.	Both	X
Tue	11.00	00.00			
Wed	11.00	00.00			
Thur	11.00	00.00			
Fri	11.00	01.00			
Sat	11.00	01.00			
Sun	11.00	00.00			

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 Miranda Claire Harding	
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).**

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	09.00	01.00	<b>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</b> (please read guidance note 6)  On no more than ten occasions in any calendar year, it is currently intended that the premises may be open to the public from 09.00 to 03.00 on any day of the week.
Tue	09.00	01.00	
Wed	09.00	01.00	
Thur	09.00	01.00	
Fri	09.00	02.00	
Sat	09.00	02.00	
Sun	09.00	01.00	

**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)**

See Annex A

**b) The prevention of crime and disorder**

See Annex A

**c) Public safety**

See Annex A

**d) The prevention of public nuisance**

See Annex A

**e) The protection of children from harm**

See Annex A

**Checklist:**

**Please tick to indicate agreement**

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [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).</li> <li>• 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)</li> </ul>
<b>Signature</b>	Clifton Davies Consultancy Limited
<b>Date</b>	4 <sup>th</sup> April 2019
<b>Capacity</b>	Authorised Agent on behalf of the Applicant

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

<b>Signature</b>	
<b>Date</b>	
<b>Capacity</b>	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Suzanne Davies Clifton Davies Consultancy Limited 6 Lettice Street			
<b>Post town</b>	London	<b>Postcode</b>	SW6 4EH
<b>Telephone number (if any)</b>			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Notes for Guidance**

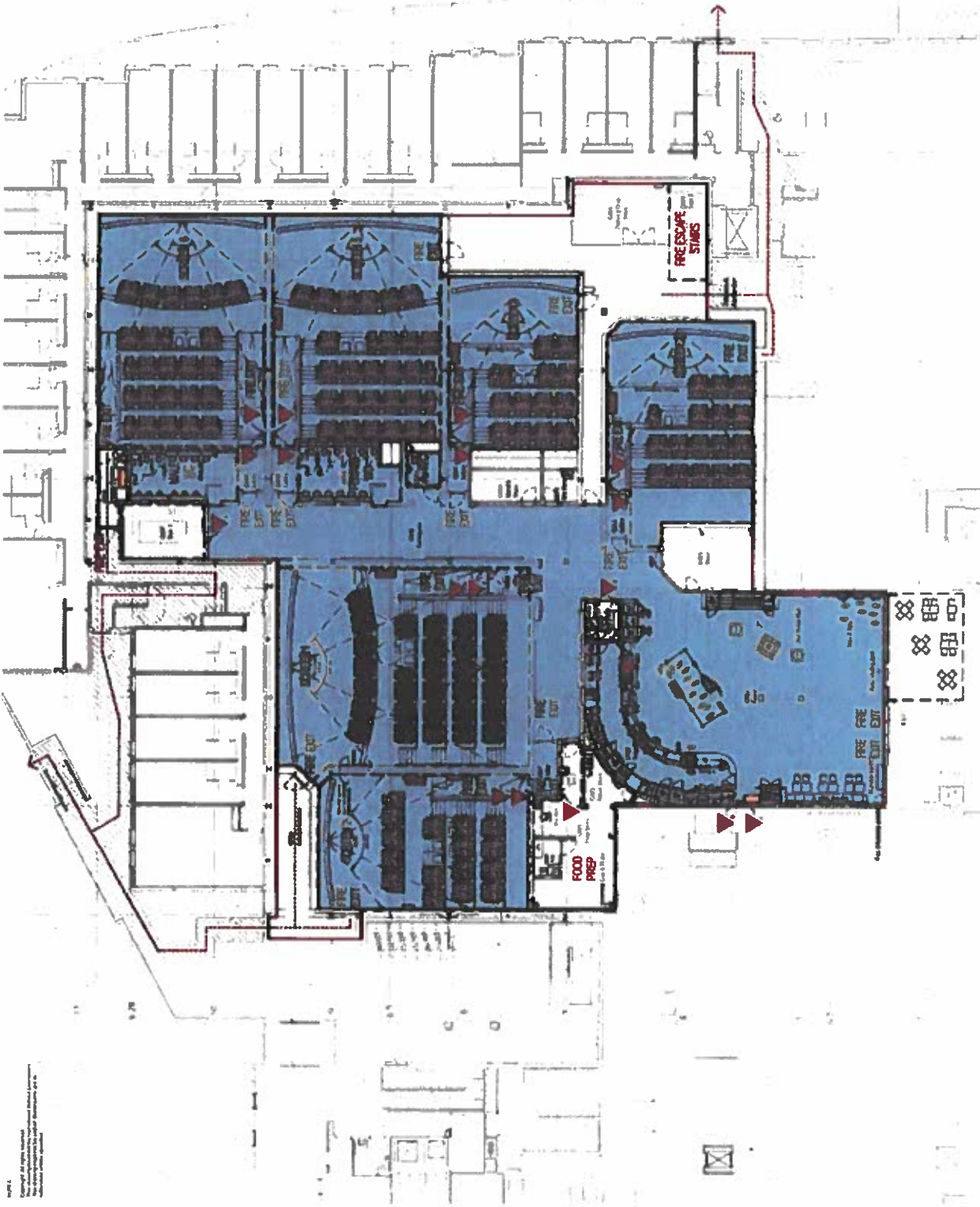
1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies,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

## **ANNEX A**

Conditions proposed to promote the licensing objectives under M, boxes a), b), c), d), and e).

1. No sale of alcohol shall be made except to a) A person admitted to the premises by purchasing a ticket or b) Employees and bona fide guests of Odeon Cinemas Ltd or associated Odeon group Companies or c) Persons for whose admittance payment has been made.
2. The premises shall install and maintain a comprehensive digital colour CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping.
3. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. A staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested
4. Staff will be trained in accordance with Odeon's training policy, which includes relevant health and safety issues.
5. Patrols of the auditoria will be undertaken by staff every 30 minutes during the exhibition of film.
6. Intoxicating liquor shall be served or decanted into non-breakable vessels where alcohol is sold.
7. Staff will remind customers to leave the premises quietly in order to respect local residents' amenity in the vicinity.
8. A proof of age scheme, such as Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognized photographic identification cards such as a driving licence or passport.
9. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.

NOTES:  
 1. This floor plan is for informational purposes only.  
 2. The floor plan is subject to change without notice.  
 3. The floor plan is not to be used for construction purposes.



\*NOTE: Screen Fire Extinguishers to be located in Staff Rooms

Exit of Dormitory  
 General Exit/Entrance  
 Specific Fire exits/Roules

Devices used to be used for firetable activities (vents).

Food Furniture

Fire Extinguishers

Water jet (FR)  
 Fire Blanket 1.1x1.1m  
 Fire Blanket 1.8x1.8m  
 CO2 (DR)  
 CO2 (FR)  
 Foam (FR)

Accessible counters

Middleline Double (Ridge) Area

Emergency Evacuation Chair

Emergency Portable Ramp

Shared Access Corridor

\*NOTE: All Areas & any equipment that are subject to inspection will be marked with a red triangle. The red triangle will be placed in the center of the room or area. The red triangle will be placed in the center of the room or area. The red triangle will be placed in the center of the room or area.

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\*NOTE: All Areas & any equipment that are subject to inspection will be marked with a red triangle. The red triangle will be placed in the center of the room or area. The red triangle will be placed in the center of the room or area. The red triangle will be placed in the center of the room or area.

Location of emergency exits and exits  
 Location of fire extinguishers  
 Location of fire blankets  
 Location of fire alarm pull stations  
 Location of fire alarm control panels  
 Location of fire alarm sounders  
 Location of fire alarm call points  
 Location of fire alarm call points

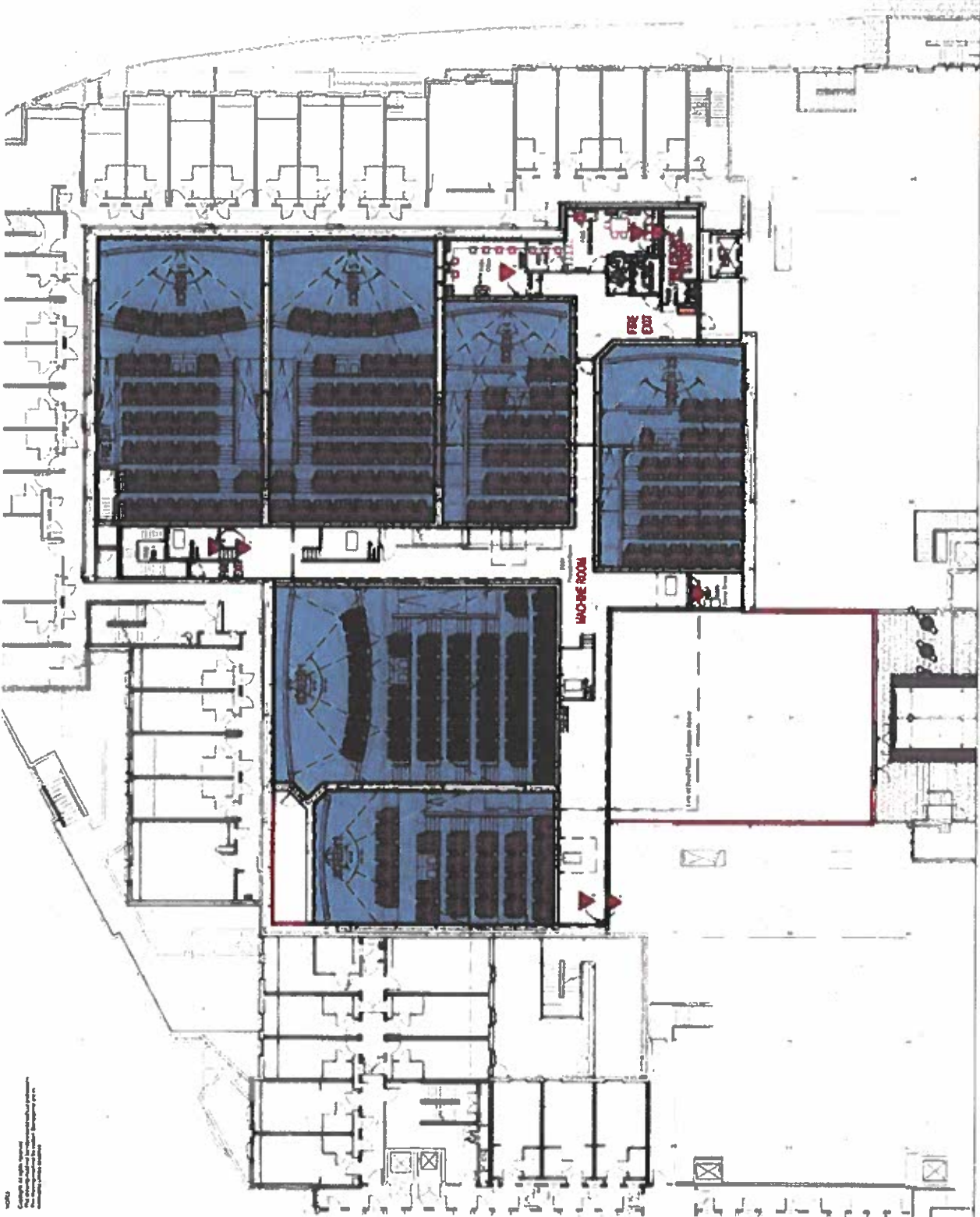
eliswilliams  
 CONSULTANTS

Level 00 Learning Plaza  
 2020, AUGUST 18

D

1:1000 Scale  
 1:1000 Scale  
 1:1000 Scale

10/24/2014  
 10:00 AM  
 10:00 AM  
 10:00 AM  
 10:00 AM



\*NOTE: Some Fire Extinguishers to be located in Staff Pods

- Egress of Down
- EXT
- Specific Fire extinguishers
- Down area to be used for accessible access (black)
- Pool Furniture

- Fire Extinguishers**
- Water gas (W)
- Fire Blanket 1.1x1.1m
- Fire Blanket 1.5x1.2m
- CO2 (R)
- CO2 (R)
- Foam (R)
- Accessible container
- 1400-00mm Disabled Refuge Area
- Emergency Evacuation Chair
- Emergency Portable Ramp
- Shelter Access Counter

1. ALL AREAS & ALL EXITS MUST BE CLEARLY MARKED AND SIGNAGED TO INDICATE THE LOCATION OF THE EXITS AND THE LOCATION OF THE EXTINGUISHERS TO BE USED IN THE EVENT OF A FIRE. ALL EXITS MUST BE CLEARLY MARKED AND SIGNAGED TO INDICATE THE LOCATION OF THE EXITS AND THE LOCATION OF THE EXTINGUISHERS TO BE USED IN THE EVENT OF A FIRE.

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**Appendix 4: Additional condition agreed by applicant after mediation with Durham Constabulary**

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## **Karen Baker**

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**From:** Helen Johnson - Licensing Team Leader (N'hoods)  
**Sent:** 18 April 2019 10:07  
**To:** Karen Baker  
**Cc:** Michelle Williamson  
**Subject:** FW: New Premises licence application - Odeon, Durham City

Hi Karen

Please see email below where the applicant has agreed to add the condition detailed in my original email suggested by the Police.

Many thanks

**Helen Johnson**  
**Licensing Team Leader**  
Environment, Health and Consumer Protection  
Regeneration and Local Services

**Direct:**  
**Mobile:**  
**Email:**

**Web:** [www.durham.gov.uk](http://www.durham.gov.uk)  
Follow us on Twitter @durhamcouncil  
Like us on facebook.com/durhamcouncil

**From:** Suzanne Davies <  
**Sent:** 18 April 2019 10:01  
**To:** Helen Johnson - Licensing Team Leader (N'hoods) <  
**Subject:** Re: New Premises licence application - Odeon, Durham City

Dear Helen,

I have liaised with the client and he is happy to include the condition as set out below on the licence and has asked me to confirm the position to you.

Please do not hesitate to contact me should you require any further assistance.

Kind regards

Suzanne Davies  
Director  
Clifton Davies Consultancy Limited  
6 Lettice Street London SW6 4EH  
T:

E:  
[www.cliftondavies.com](http://www.cliftondavies.com)

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**From:** "Helen Johnson - Licensing Team Leader (N'hoods)" <[redacted]>  
**Date:** Wednesday, 17 April 2019 at 18:25  
**To:** [redacted]  
**Subject:** New Premises licence application - Odeon, Durham City

Dear Suzanne

I write in regards to the new premises licence application currently out to consultation for the Odeon Cinema, Unit 15, The Riverwalk, Durham.

The Police have responded to the application and would like to see the below condition added to the operating schedule of the application:

***All staff involved in the sale of alcohol shall be properly trained in accordance with the premises licence holder's own training programme, and retrained every 6 months. Training records shall be made available to the police or authorised officer of the licensing authority on request.***

Could you confirm if the applicants are ok with this condition and if so, respond stating you wish to amend the application to include it?

Kind regards

**Helen Johnson**  
**Licensing Team Leader**  
Environment, Health and Consumer Protection  
Regeneration and Local Services

Direct:  
Mobile:  
Email:

**Karen Baker**

---

**From:** Judith Wilkinson < > on behalf of Alcohol  
Harm Reduction Unit  
**Sent:** 24 April 2019 12:24  
**To:** Karen Baker  
**Subject:** RE: Licensing - NEW PREMISES LICENCE APPLICATION Odeon Cinema, Unit 15  
Riverwalk Durham DH1 4SL

24/04/19

To Durham County Council

The Harm Reduction Unit can confirm that the Police have No Objections to the below New Premise Application after mediation with the applicant and conditions were added to application.

Many Thanks

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Judith Wilkinson  
Licensing Support

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## **Appendix 5: Representations**

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## **Yvonne Raine**

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**From:** RIPPIN, Nicholas <  
**Sent:** 03 May 2019 17:10  
**To:** AHS Licensing  
**Subject:** Letter of objection Odeon Cinema.docx  
**Attachments:** Letter of objection Odeon Cinema.docx

**Categories:** Yvonne

Dear Sir/ Madam

Please find attached a copy of a letter from Roberta Blackman-Woods in relation to the licensing application for the Odeon Cinema in Durham City.

Best wishes

**Nick Rippin**

**Caseworker**

**Office of Roberta Blackman-Woods**

**MP for the City of Durham**

**Shadow Minister for Planning and Local Government**

**Tel: (**

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**ROBERTA BLACKMAN-WOODS MP**  
(CITY OF DURHAM)

House of Commons, London, SW1A 0AA  
The Miners' Hall, Redhills, Flass Street, Durham, DH1 4BD  
Tel Fax



Licensing Department  
Durham County Council  
PO Box 617  
Durham  
DH1 9HZ

Our Ref: D/NR

29 April 2019

Dear Sir/ Madam

**RE: Odeon Cinemas Limited Licensing Act 2003 Application**

I am writing in relation to the above named application for a premises licence, which is due for consideration by Durham County Council's licensing committee.

This application is for regulated entertainment, late night refreshment and alcohol, and proposes that the venue be permitted to be used for regulated entertainment and late night refreshment between 9am and 1am Sunday to Thursday, extending to 2am on Friday and Saturday. The application also states that this licence will allow the venue to extend these times to 3am on no more than ten occasions per year.

The venue is also seeking a licence for the sale of alcohol (on and off the premises) between 11am and midnight Sunday to Thursday, between 11am and 1am Friday and Saturday, and on no more than ten occasions a year, the premises may be used from 11am until 1am on any day of the week.

As the licensing committee will of course be aware, there are only four licensing objectives that an application can be considered against. These are the prevention of public nuisance; public safety, prevention of crime and disorder and the protection of children from harm. Each of these objectives are equally important, and there is the potential that, should this application in its current form be granted, it will fail to uphold these objectives. I will address these in turn.

**Prevention of Public Nuisance**

The current iteration of the local authority's Statement of Licensing Policy states in paragraph 9.1 that premises open late at night can cause a range of nuisances for people living, working or sleeping in the vicinity. These concerns can relate to, amongst other things, litter, light pollution, noise and vehicles.

Durham is a small, compact city centre, with many residential streets in very close proximity to the site of the cinema. Alongside this, the cinema is located immediately next to new Purpose Built Student Accommodation on the same site, and the proposal to allow regulated entertainment and the provision of late night refreshment will no doubt cause a significant amount of noise, and therefore public nuisance, not only to the students living in such close proximity to the cinema itself, but also to residents who live in nearby streets.

Furthermore, it could be argued that noise disturbance will affect more people than those who live in the immediate vicinity, as many people make their way home through the wider city, which is mostly residential. Indeed, it is clear from feedback I have received from residents is that the noise of people moving through the city late at night is already extremely disruptive. If, as the licensing application suggests, it is the intention of the operator to regularly open the cinema to 2am, and on several occasions as late as 3am, this could have a further significant effect on the amenity currently enjoyed by residents.

### **Prevention of Crime and Disorder**

Given the proliferation of venues within the City of Durham that already operate late licenses, it is questionable as to why a cinema needs a licence to serve alcohol for consumption off the premises. The Statement of Licensing Policy itself recognises that in some parts of the county crime and disorder is a significant issue. Indeed, publicly available crime statistics indicate that reports to the police of the three offences most linked to alcohol consumption (Public Order offences, Anti-Social Behaviour and Violence) are clustered in two 'hotspots' in the city. One of these areas is North Road, immediately behind the site of the new cinema, and the main route out of the city for people who live to the north east of the city centre.

It is worrying therefore that a cinema should serve alcohol for consumption off the premises late into the night in an area that already has a significant number of licenced premises, and an issue with alcohol related crime.

### **Public Safety**

As identified above, there is a concern about crime and disorder on North Road, and with the hours indicated in this application, it seems that people attending the cinema may be leaving the premises at similar times as those leaving the bars and clubs in the immediate vicinity. This has the potential to lead to overcrowding in several areas of the city, most notably at the end of Framwellgate Bridge. As there are several safety issues in the city already due to the proliferation of venues with late licenses, such as the Walkergate complex, it is incredibly concerning that this application may create another 'pinch point' in the city. Indeed, the public safety concern outside the Walkergate complex is such that Durham County Council has taken to closing Claypath to road traffic between 9pm and 4am on Friday and Saturday nights, and the same situation cannot be allowed to develop near the Riverwalk complex and North Road.

Equally, there are very few buses that leave the city after midnight, with a limited night service heading north out of the city. This will potentially lead to more people waiting for taxis in the city – a recognised flash point for crime and disorder – and more people walking home in the early hours. Both of these scenarios could have a negative impact on all three of the above-mentioned licensing objectives.

### **Protection of Children from Harm**

Clearly, a significant number of customers using the cinema will be children and families, and it is questionable as to why the venue feels the need to sell alcohol from 11am to midnight. It may be part of the business model to offer adults alcoholic drinks when visiting the site, but clearly families and children are more likely to use the venue earlier in the day. It may be more



appropriate for the venue to offer alcoholic drinks in the evening, rather than throughout the day.

It is clear that there are a number of concerns about this application, and it is questionable as to whether this application will uphold the licensing objectives in Durham. I hope that the licensing committee will examine all of these issues when determining this application, and that real consideration is given to the impact these proposals will have on the community in Durham City.

Yours sincerely

**Roberta Blackman-Woods MP**  
City of Durham

## **Yvonne Raine**

---

**From:** RIPPIN, Nicholas <  
**Sent:** 17 May 2019 09:30  
**To:** Yvonne Raine  
**Subject:** Odeon Luxe Licensing Hearing  
**Attachments:** Licensing Appendix 1 - Crime Statistics.docx; Westminster Hall Debate Licensing in Durham.docx

Dear Yvonne

Thanks for confirming that I can attend the hearing on behalf of Roberta.

I have attached two further documents and will explain the relevance below:

- 1) Licensing Appendix 1 – This document includes publicly available crime statistics that Roberta submitted to Durham County Council as part of the Statement of Licensing Policy review. The reason for inclusion of this document is that in her letter regarding Odeon Luxe, Roberta mentioned the issues of people leaving the cinema in an area where there is already a lot of alcohol related crime and disorder in her points relating to crime and disorder and public safety. These figures bear out the arguments she is making.
- 2) Westminster Hall Debate Licensing in Durham – This is an extract from Hansard as Roberta recently called a Westminster Hall debate in Parliament to discuss the issues with licensing in Durham. Roberta has asked me to pass this on as this covers some of the wider points that constituents have raised with her in relation to problems they are facing in the city centre.

Once again, thanks for your help. I am out of the office all next week, but will be back in the office on Tuesday 28 May, so will pick up messages when I get back.

All the best

**Nick Rippin**  
**Caseworker**  
**Office of Roberta Blackman-Woods**  
**MP for the City of Durham**  
**Shadow Minister for Planning and Local Government**

**Tel:**

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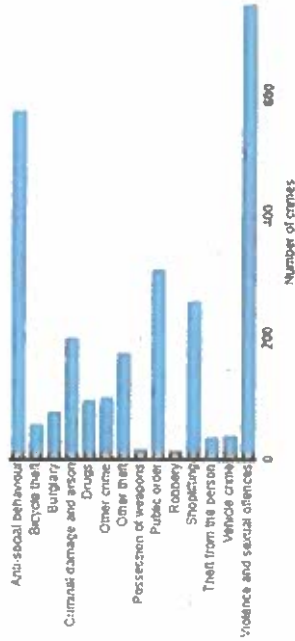
In this neighbourhood

- [Overview](#)
- [Crime map](#)
- [Stop and search](#)
- [Raising JEAN](#)
- [News and events](#)
- [Performance](#)

## Detailed statistics for Durham City



### Comparison of crime types in this area between March 2018 and February 2019



Crime type	Total	Percentage
Anti-social behaviour	573	21.17%
Bicycle theft	56	2.07%
Burglary	78	2.88%
Criminal damage and arson	199	7.35%
Drugs	97	3.58%
Other crime	101	3.73%
Other theft	176	6.50%
Possession of weapons	16	0.59%
Public order	312	11.53%
Robbery	14	0.52%
Shoplifting	260	9.56%
Theft from the person	36	1.33%
Vehicle crime	39	1.44%
Violence and sexual offences	750	27.71%

[Back to top](#)

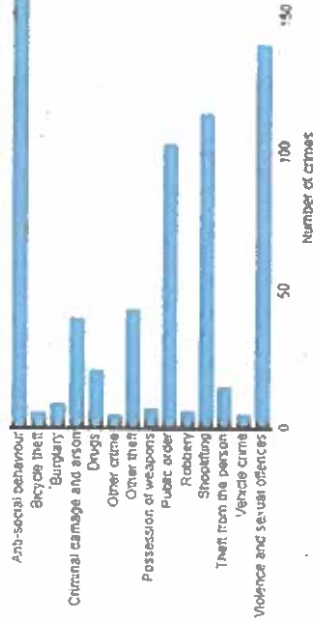


## Detailed statistics for Durham City

In this neighbourhood

- Crime map
- Site and search
- Reporting team
- News and events
- Partnerships

### Comparison of crime types in this area between March 2018 and February 2019



Crime type	Total	Percentage
Anti-social behaviour	175	25.44%
Bicycle theft	6	0.87%
Burglary	9	1.31%
Criminal damage and arson	40	5.81%
Drugs	21	3.05%
Other crime	5	0.73%
Other theft	43	6.25%
Possession of weapons	7	1.02%
Public order	103	14.97%
Robbery	6	0.87%
Shoplifting	114	16.57%
Theft from the person	15	2.18%
Vehicle crime	5	0.73%
Violence and sexual offences	139	20.20%

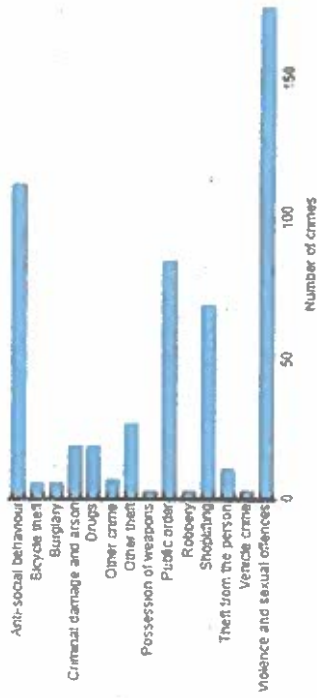


# Detailed statistics for Durham City

## In this neighbourhood

- [Overview](#)
- [Crime map](#)
- [Size and search](#)
- [Policing team](#)
- [Mines and events](#)
- [Performance](#)

## Comparison of crime types in this area between March 2018 and February 2019



Crime type	Total	Percentage
Anti-social behaviour	112	20.55%
Bicycle theft	6	1.10%
Burglary	6	1.10%
Criminal damage and arson	19	3.49%
Drugs	19	3.49%
Other crime	7	1.28%
Other theft	27	4.95%
Possession of weapons	3	0.55%
Public order	85	15.60%
Robbery	3	0.55%
Shoplifting	69	12.66%
Theft from the person	11	2.02%
Vehicle crime	3	0.55%
Violence and sexual offences	175	32.11%

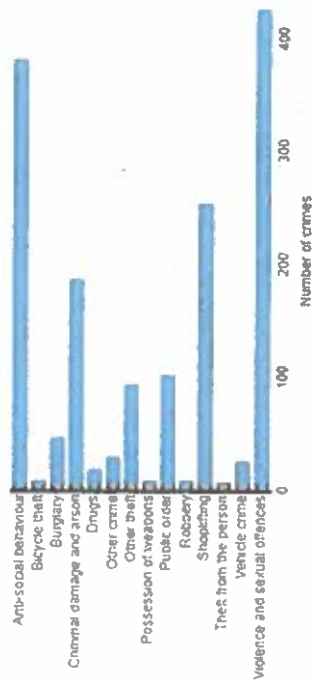
In this neighbourhood

- Overview
- Crime map
- Stop and search
- Patroling team
- News and events
- Performance

# Detailed statistics for Bishop Auckland Town and Toronto



## Comparison of crime types in this area between March 2018 and February 2019



Crime type	Total	Percentage
Anti-social behaviour	381	23.83%
Bicycle theft	9	0.56%
Burglary	47	2.94%
Criminal damage and arson	187	11.69%
Drugs	19	1.19%
Other crime	30	1.88%
Other theft	94	5.88%
Possession of weapons	9	0.56%
Public order	102	6.38%
Robbery	9	0.56%
Shoplifting	254	15.88%
Theft from the person	7	0.44%
Vehicle crime	26	1.63%
Violence and sexual offences	425	26.56%

↑ Back to top

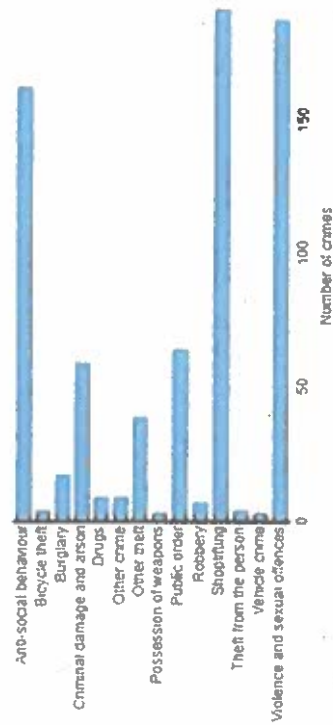


## Detailed statistics for Bishop Auckland Town and Toronto

### In this neighbourhood

- [Overview](#)
- [Crime map](#)
- [Stop and search](#)
- [Policing team](#)
- [News and events](#)
- [Performance](#)

### Comparison of crime types in this area between March 2018 and February 2019



Crime type	Total	Percentage
Anti-social behaviour	162	21.37%
Bicycle theft	4	0.53%
Burglary	17	2.24%
Criminal damage and arson	59	7.78%
Drugs	9	1.19%
Other crime	9	1.19%
Other theft	39	5.15%
Possession of weapons	3	0.40%
Public order	64	8.44%
Robbery	7	0.92%
Shoplifting	191	25.20%
Theft from the person	4	0.53%
Vehicle crime	3	0.40%
Violence and sexual offences	187	24.67%

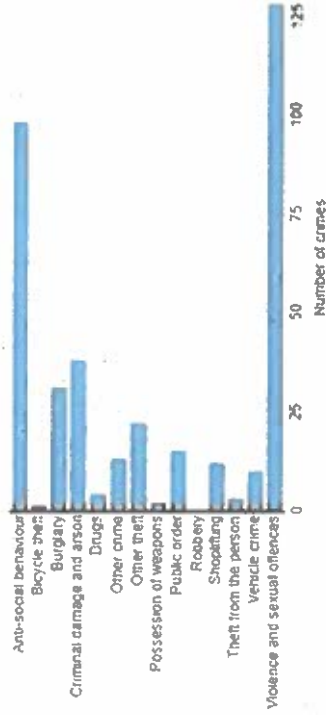
**In this neighbourhood**

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- [Crime map](#)
- [Stop and search](#)
- [Policing team](#)
- [News and events](#)
- [Performance](#)

# Detailed statistics for Barnard Castle Town



## Comparison of crime types in this area between March 2018 and February 2019



Crime type	Total	Percentage
Anti-social behaviour	98	25.99%
Bicycle theft	1	0.27%
Burglary	31	8.22%
Criminal damage and arson	38	10.08%
Drugs	4	1.06%
Other crime	13	3.45%
Other theft	22	5.84%
Possession of weapons	2	0.53%
Public order	15	3.98%
Robbery	0	0.00%
Shoplifting	12	3.18%
Theft from the person	3	0.80%
Vehicle crime	10	2.65%
Violence and sexual offences	128	33.95%

[Back to top](#)



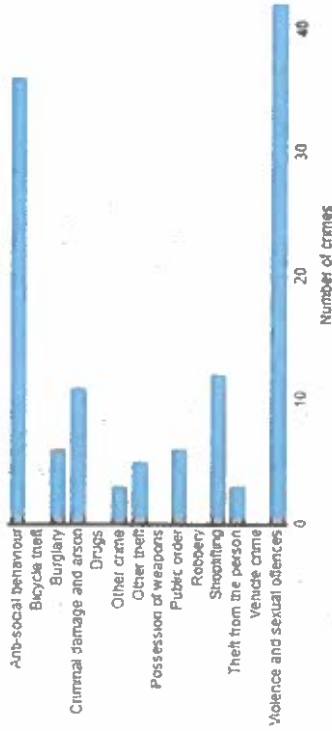


# Detailed statistics for Barnard Castle Town

## In this neighbourhood

- [Overview](#)
- [Crime map](#)
- [Stop and search](#)
- [Policing team](#)
- [Notes and events](#)
- [Performance](#)

## Comparison of crime types in this area between March 2018 and February 2019



Crime type	Total	Percentage
Anti-social behaviour	36	29.03%
Bicycle theft	0	0.00%
Burglary	6	4.84%
Criminal damage and arson	11	8.87%
Drugs	0	0.00%
Other crime	3	2.42%
Other theft	5	4.03%
Possession of weapons	0	0.00%
Public order	6	4.84%
Robbery	0	0.00%
Shoplifting	12	9.66%
Theft from the person	3	2.42%
Vehicle crime	0	0.00%
Violence and sexual offences	42	33.87%

## Dr Roberta Blackman-Woods (City of Durham) (Lab)

I beg to move,

That this House has considered licensing in Durham.

May I say what a pleasure it is to serve under your chairmanship again, Sir Christopher? The Licensing Act 2003 replaced several more complex systems; and at the time, there were good reasons for introducing that legislation. A reduction in time-limited binge drinking and the staggering of leaving times to reduce public disorder were laudable aims, as was the inclusion of consideration of the impact on residents, but it is far from clear that the Act has withstood the test of time. It placed responsibility for licensing with local authorities and introduced four licensing objectives that all applicants must uphold: the protection of children from harm, the promotion of public safety, the prevention of crime and disorder, and the prevention of public nuisance. Licensing authorities were also required to produce a statement of licensing policy outlining their approach to promoting those objectives. However, even when, for a variety of reasons, the objectives are not being promoted by a local authority, the granting of licences seems to continue unabated.

I have been dealing with licensing in my constituency since 2006—just one year after the Act was implemented. I have held many public meetings on this matter, as the policy appears simply to allow more and more venues to open in what is a highly compact residential city as well as an historically important one. I have raised the matter with the council and previous Ministers on numerous occasions, but as one resident recently told me,

"the town just seems saturated with drinking".

To give a better understanding of the scale of the problem, I should explain that in a very small area in the city centre, there are 11 establishments open until 2 am, two to 2.30 am and four to 1 am, with a further 14 between 12 am and later. However, the new norm is 2 am, as the new developments that are planned for the city centre—the Riverwalk, which has almost been delivered, and Milburngate—despite not being open yet, have been granted licences to 2 am. There are constant applications for extensions to 4 am, and we are all questioning how long it will be before some of those are granted.

Durham County Council recently consulted on its statement of licensing policy, so I held another public meeting, in March this year, as it is obvious that the problem is getting worse. It became clear during the consultation with residents that the existing policy does not uphold the four licensing objectives. The policy rightly states that licensed premises may become a source of public nuisance, generating crime and disorder problems if they are not properly managed. It even acknowledges existing issues of crime and disorder by stating that evidence suggests that late-night alcohol-related crime and antisocial behaviour remains a problem in parts of the county and that the effect that any such disturbance may have is "a genuine matter to be considered when addressing the hours during which licensable activities may be undertaken."

The publicly available crime statistics show that in Durham city, the three crimes most linked to alcohol consumption—public order offences, antisocial behaviour and violence—are clustered in two areas: North Road and Walkergate, an area that covers less than half a square kilometre. In fact, nearly 50% of reported crimes between March 2018 and February 2019 took place in those two areas. Both are saturated with bars and clubs that have late licences, and that concentration of recorded crimes is far above that for other town centres in the region.

The local authority's current policy has simply failed to uphold public safety. In fact, the number of people leaving Walkergate and trying to get home creates such a problem that Durham County Council now closes a city centre street to traffic between 9 pm and 4 am on Friday and Saturday nights. That street is largely residential. How can that be acceptable for people who live or, heaven forbid, are trying to sleep in properties on that street?

Given the large concentration of students living in the city centre, there is a particular issue about how the licensing policy addresses their safety. Investigators are still looking into the tragic death of a student last year. However, we have no idea how, or whether at all, the council's licensing policy will be changed to incorporate lessons learned from that investigation when it eventually reports.

"Prevention of public nuisance" is a broad term, covering among other things noise, disturbance and litter. It is clear from the feedback that I have received from residents over many years, and my own eyes and ears, that the policy is not working for the city centre. The

noise created by people moving around the city in the early hours of the morning is extremely disruptive, and the condition of the marketplace, particularly on a Sunday morning, is horrendous, with large amounts of litter left uncollected and the city appearing dirty and unappealing.

The issue of public nuisance is experienced not just by those living in the immediate city centre, though. As Durham is a small city, many people make their way home on foot. The centre is surrounded by residential areas in all directions, so whichever direction in which people travel, there is disruption and noise for residents.

I do not think that the policy protects children from harm either. One message that I am consistently getting from residents and businesses is that disruption is starting earlier in the day, because of the increased number of stag and hen parties visiting Durham. In fact, Durham's chamber of trade, in its submission to the council for the licensing review, says:

"The...aggressive, rowdy, noisy and often intimidating behaviour of afternoon binge drinkers in Durham is especially off-putting to vulnerable and younger people, parents...and children, or visitors to the city who are unprepared for the 'wild west' environment."

During my most recent public meeting on this topic, the increase in rowdy behaviour during the day was raised time and again, with residents saying that it was "totally unsuitable for families", "obscene" and "horrific" and that it often creates quite a hostile and unpleasant atmosphere.

Durham's policy states:

"Licensing Services works almost exclusively with, through and for people."

How is it that a policy that clearly states that has allowed Durham to become a place where people feel intimidated? Despite working on this issue for more than 10 years, I am being contacted more and more by residents for whom it is becoming unbearable. During the meeting earlier this year, one resident told me that he had taken to sleeping in the bathroom to get away from the noise. But actually, more and more residents are moving out of the city centre, and in the longer term that will be a disaster for the city. The issue is having an effect not just on residents and visitors, but on businesses. The chamber of trade goes on to say that it is having

"a demonstrably negative impact upon city centre trade and employment."

There is of course the option of adopting a cumulative impact policy to restrict licences. However, that relies on several things, not least the willingness of the licensing authority to expend time and effort in gathering the evidence needed to adopt such a policy. Other local authorities do seem to use that option effectively, though. Cambridge City Council has put five separate such policies in place. In fact, Cambridge's most recent policy states:

"It is evident from the decrease in crime and incidents that current initiatives",  
through the cumulative impact assessment,  
"are effective and are having a positive impact."

Cheshire West and Chester Council has also taken steps to address this problem, with a cumulative impact policy covering the centre of Chester. In fact, the policy states that  
"because of the historic nature of...Chester and its population distribution, applicants for larger entertainment venues may find it easier to meet the requirements...by using areas outside the City Centre."

However, despite many requests over the years for a specific city centre policy, huge amounts of communication from residents and evidence being submitted to it, Durham County Council has yet to introduce a single cumulative impact policy.

That leads on to my next point, which is the difficulty that residents have in engaging with the licensing system. Government guidance says that one of the aims of the Licensing Act 2003 is to encourage greater community involvement in licensing decisions. However, in Durham people are often simply unaware that such applications are being made until it is far too late to make a representation.

Some local authorities have introduced requirements for stronger community engagement, such as Lambeth Council, which requires applicants to canvass residents' views before submitting an application, or Newcastle City Council, which allows residents to view the full details of a licensing application and comment online. In Durham, details of an application are available to view only in person, by appointment, and in one location in the whole county. How does that enable people to have a say?

These problems are exacerbated by the increasing use of temporary events notices by venues in the city centre. Existing legislation allows for a venue to apply for up to 15 TENs in a year, which has seen several venues in Durham, particularly in a cluster around Walkergate, open until 4 am. Because there are so many venues in Walkergate, that could mean many TENs in a year, with two or three a week.

What this all adds up to is a small, historic city, with a UNESCO world heritage site right at its centre, that has far too many licensed premises. Durham is not a big city like as Manchester or Birmingham, which can accommodate efforts to boost the evening economy; it is a small residential city and it needs a much better balanced licensing policy.

The statement of licensing policy that applies across a county the size of Durham does not appear to allow for the more detailed approach that is needed to address the specific issues in different communities. How can one licensing policy be adequate for rural towns and villages, as well as for a compact, saturated and busy city centre?

Just before I put some specific questions to the Minister, let me say that I am extremely proud of Durham. It is a beautiful city and I want people to come and enjoy it, whatever their age or background, but I also want residents to be able to enjoy it too. I look forward to hearing from the Minister about how we can get a licensing policy that genuinely protects residents by allowing licensing hours to reflect local needs as well as visitor needs, and a licensing policy that does not put developing a night-time economy ahead of the quality of life for local residents.

We need a licensing Act that makes it easier to refuse late licensing hours and one that meets the needs of different communities. That also means reviewing the whole system of TENs and giving local people a greater say over licensing policy, not simply allowing their councillors to take on that role. Instead, there should be more thought about how local communities can have a much greater role in the licensing system, including consideration of how we can get a set of licensing policies in Durham that establishes a balance—allowing, obviously, a limited night-time economy, but also protecting the historic nature of the city and its many residents.

## **Yvonne Raine**

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**From:** Adam Shanley <  
**Sent:** 03 May 2019 13:31  
**To:** AHS Licensing  
**Subject:** Odeon Cinemas Ltd  
**Attachments:** REV\_Odeon Cinemas Ltd.pdf

**Categories:** Yvonne

Dear Licensing Team,

Sorry to be a pain. Attached is a revised version of the City of Durham Parish Council's response to this application.

Kindest regards,

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

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

### **Application Summary**

Applicant: Odeon Cinemas Ltd.

Address: Odeon Luxe Cinema, Unit 15. The Riverwalk. Durham. DH1 4SL

License type: New premises license application

### **Consultee Details**

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

Address: c/o Office 3 D4.01d. Clayport Library. 8 Millennium Pl. Durham. DH1 1WA

Email:

1<sup>st</sup> May 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 and the protection of children from harm.

The Parish Council wishes to highlight that this premises is within very close proximity to residential properties. The playing of live and recorded music until 1am (Sunday to Thursday) and 2am (Fridays and Saturdays) is therefore deemed to represent a public nuisance for nearby residents. Lambton Walk is a row of maisonettes with a river view on the exit route from the cinema towards North Road / Framwelgate Bridge. And there are 253 students living in Dunholme Court which surrounds the cinema. The Parish Council is aware of a number of complaints about construction noise this year and believes it is reasonable to infer that many of them will value not being disturbed in the small hours by cinema patrons on their way home.

The Parish Council notes the applicant's intention to sell alcohol on and off the premises and is concerned about the potential tipping of glass bottles after 11pm and the noise from this also likely representing a public nuisance to residents living nearby. The Parish Council therefore wishes to request that a condition be attached to this application that there be no tipping of glass bottles between the hours of 8pm and 9am.

The Parish Council is particularly concerned about the management of the night time economy; during which time a large proportion of alcohol and violence related offences take place. In respect of this application, the Parish Council is concerned that allowing Odeon Cinemas Ltd to operate into the early hours of the morning will set an unwanted precedent of other operators seeking similar conditions leading to a deregulation of hours and an uncontrolled expansion of the night time economy.

The Parish Council recognises the reasons for which Odeon Cinemas Ltd has requested the late-night operating hours up until 3am, however is concerned about the implications this will have on the protection of children (many new blockbuster movies having an age category of 12, 12A or 15). The applicant must ensure that the most stringent possible measures are in place to mitigate the sale of alcohol to anyone under the legal age limit.



Furthermore, in relation to the protection of children from harm, if Licensing are minded to approve this licence then alcohol should only be sold when cert 18 films are being shown. A cinema is a dark place and it would be very difficult to monitor proxy sales, i.e. an adult passing an alcoholic drink to a minor in the dark.

Yours sincerely,

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

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**Appendix 6: Information provided by applicant's agent to  
persons making representation**

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## **Yvonne Raine**

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**From:** Suzanne Davies <  
**Sent:** 14 May 2019 10:21  
**To:**  
**Cc:** Yvonne Raine  
**Subject:** Odeon - Luxe Cinema, Durham - Response to representation

Dear Ms Blackman-Woods MP,

We act on behalf of Odeon Cinemas Limited and have been passed your representation to the application for a new premises licence at Unit 15, The Riverwalk, Durham, DH1 4SL.

We have discussed the contents of your email with the Odeon Luxe Project Manager, General Manager and Risk Management Director in order to be able to respond to the concerns which you have raised as fully as possible. The company is keen to work with you to address your concerns and operate as a good neighbour within the community.

Odeon Cinemas operates throughout the UK and does so at a number of sites in residential areas and is therefore used to ensuring that the amenity of local residents is protected. The proposal is to operate a Luxe style of operation at the site which is a premium brand offered by the company. The operation will include a high level of staff to guest ratio to ensure an excellent guest experience, luxury seating (large, electric reclining seats) with adjacent tables which means fewer people in each of the screens, again to provide an enhanced guest experience. Odeon is a family entertainment business and it is not in the interests of the company for there to be any issues relating to matters such as public nuisance, alcohol related incidents etc. Accordingly, staff are trained to provide high levels of service and in all necessary aspects of Licensing legislation, including promotion of the licensing objectives, to make sure that such issues do not arise.

As far as the hours which are sought for licensable activities, the applicant has given careful thought to the hours which it intends to operate, taking into account the local circumstances. A number of the company's premises have permission to operate for 24 hours but the maximum hours were not sort on this occasion. The hours reflect those which have been granted in line with planning permission which will have taken into account residential amenity when being considered. You will have noted that the terminal hour of 2.00am is on weekend evenings and the request for permission to extend on occasions until 3.00am is limited to ten occasions per year and again ties in with the approved planning permission. Such occasions would relate to the release of blockbuster films such as for example Avengers or James Bond when the appeal of such films results in greater demand and the longer hours are needed in order to be able to show an extra number of screenings.

As far as people causing a noise nuisance to local residents either in the immediate vicinity or throughout the town, the applicant's comments are as follows. The development is served by two car parks, both of which will be available to guests of Odeon. There will be a concession on the cost of using the car parks for Odeon guests and it is anticipated that the majority of guests will drive to the venue. As you will be aware, the car parks are located a very short walk from the cinema which means that guests will disperse quickly, are unlikely to come into contact with those frequenting local bars and there will be minimal noise nuisance emanating as a result.

The management of Odeon intend to draw up a dispersal policy which will be made available to staff to ensure that people are encouraged to leave the premises quickly and quietly, are advised of the options available to them as far as transport is concerned eg where the nearest taxi ranks are located, (the closest being a three minute walk located behind the cinema), relevant bus routes and stops which will be available for the majority of hours that the premises intend to operate, information about the car parking price concession etc.

All guests will leave through one exit and accordingly staff will be positioned on the door at the close of business reminding customers to leave quickly and quietly and signage will be prominently positioned on site again reminding guests of the proximity of residential accommodation. Whilst it is accepted that the applicant would be in a position

to operate the hours maximum hours sought on occasion, in reality the applicant will not necessarily operate to the maximum hours in any event.

As far as the permission to allow off sales is concerned, the applicant would like to offer guests the opportunity of having eg a glass of wine on the proposed terrace at the site and in order to do so has had to apply for permission to provide off sales. The terrace can accommodate a maximum of 20 people and the area will be closed at 10pm with no further access permitted for guests. The area will be monitored by staff. Alcohol will be served or decanted into plastic containers throughout the premises, including the terrace. For the avoidance of doubt the applicant does not wish to allow guests to take alcohol off the premises in any other circumstances. Again, in order to demonstrate that the applicant wishes to be a good neighbour, the company is content to offer conditions giving effect to these proposals.

With reference to the provision of alcohol during the day to guests, it is proposed that guests will be provided with the same facilities should they wish to attend a matinee performance as if they were visiting in the evening. For the avoidance of doubt, the provision of alcohol is an ancillary facility for guests of the cinema. The proposal is significantly different to a pub or bar offering and is distinguishable as such. By way of example, guests do not resort to the premises for the principle purpose of drinking. They visit the premises to watch a film. The provision of alcohol is an ancillary service akin to the nature of alcohol provision at a theatre. It is the company's experience that guests who purchase alcohol usually have one or two alcoholic drinks, as guests do at the theatre ie one before the performance starts and possibly one during. It is the ancillary nature of the provision of alcohol which also means that people are likely to be much quieter when leaving the venue. Many will drive to the venue which also ensures guests will drink moderately. Guests do not want their entertainment of watching a film spoiled or interrupted so it is not in the interests of providing very high levels of guest experience for the applicant to permit unruly behaviour at the venue, either generally or as a result of the provision of alcohol.

All staff are trained in the importance of promoting each of the licensing objectives, including the protection of children from harm. Staff are trained in the Challenge 25 scheme which means that anybody who is seeking to purchase alcohol and appears to be under 25 will be challenged to provide identification and if satisfactory identification cannot be provided, then the sale will be refused. A condition has been proffered in this regard. The staff are also taught how to recognise if guests are trying to purchase on behalf of those under 18 and would refuse the sale and ask such persons to leave the venue. Similarly, with regard to supplying alcohol for consumption by under 18s. The screens are patrolled regularly and monitoring for such behaviour is checked by staff. CCTV also covers all of the screens and it will operate in low light levels due to infra-red support. The footage is constantly recording for 24 hours a day and is monitored by staff whilst the premises are open to the public and if any inappropriate behaviour is identified staff are alerted via radio link and asked to attend to deal with the situation.

As you will appreciate, given that the applicant provides family entertainment it would not be in the interests of the company for there to be any association with the brand that protecting children from harm, or indeed any of the licensing objectives, vis a vis the sale of alcohol was not a priority. The applicant provides alcohol as an ancillary service for guests at a majority of its venues up and down the country and has not had any issues giving rise for concern by the Licensing Authorities and has never had a premises licence reviewed.

As we have sought to set out, Odeon regards itself as an integral part of the local communities in which it operates up and down the country and always wishes to work with local residents and groups to ensure it does all it can to be a good neighbour. However, the applicant would also like to provide the same services to its customers in Durham as it does in many of its other cinemas around the country. Odeon seeks to balance the needs of local residents and the services it wishes to provide to its guests and trusts that the concessions which have been proffered in a spirit of cooperation will address the concerns which you have raised and mean that your representation can be withdrawn in writing in order to avoid the necessity of attending a hearing.

Thank you for your comments and the applicant looks forward to working with you in the future.

Suzanne Davies  
Director  
Clifton Davies Consultancy Limited  
6 Lettice Street London SW6 4EH

**T:**

**E:** \_\_\_\_\_

[www.cliftdavies.com](http://www.cliftdavies.com)

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## **Yvonne Raine**

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**From:** Suzanne Davies <  
**Sent:** 14 May 2019 10:24  
**To:** parishclerf  
**Cc:** Yvonne Raine  
**Subject:** Odeon - Luxe Cinema, Durham - Response to representation

Dear Mr Shanley,

We act on behalf of Odeon Cinemas Limited and have been passed your representation to the application for a new premises licence at Unit 15, The Riverwalk, Durham, DH1 4SL.

We have discussed the contents of your email with the Odeon Luxe Project Manager, General Manager and Risk Management Director in order to be able to respond to the concerns which you have raised as fully as possible. The company is keen to work with you and your colleagues to address your concerns and operate as a good neighbour within the community.

Odeon Cinemas operates throughout the UK and does so at a number of sites in residential areas and is therefore used to ensuring that the amenity of local residents is protected. The proposal is to operate a Luxe style of operation at the site which is a premium brand offered by the company. The operation will include a high level of staff to guest ratio to ensure an excellent guest experience, luxury seating (large, electric reclining seats) with adjacent tables which means fewer people in each of the screens, again to provide an enhanced guest experience. Odeon is a family entertainment business and it is not in the interests of the company for there to be any issues relating to matters such as public nuisance, alcohol related incidents etc. Accordingly, staff are trained to provide high levels of service and in all necessary aspects of Licensing legislation, including promotion of the licensing objectives, to make sure that such issues do not arise.

Turning to your specific concerns, the applicant is content to offer a condition that there will be signage at the premises reminding guests that they are leaving premises within a residential area and ask them to leave quietly. All customers will leave through one exit and staff will be on hand to remind guests to leave quietly. It is anticipated that a significant majority of guests will drive to the venue and avail themselves of the opportunity of using the two car parks dedicated to the site. In order to encourage such use, discounted pricing for use of the car park will be available for guests of the cinema. As you will be aware, the car parks are located a very short walk from the cinema which means that guests will leave the area quickly.

As far as the provision of live and recorded music is concerned, these licensable activities are provided ancillary to the provision of the exhibition of film (ie when ancillary live entertainment provided alongside the film calls for such permissions eg The Rocky Horror Show or Sing Along to the Sound of Music). In order to allay your concerns in this regard, the applicant is content to proffer a condition that each of the licensable activities sought by way of regulated entertainment will be ancillary to the provision of film.

The applicant would like to offer guests the opportunity of having eg a glass of wine on the proposed terrace at the site and in order to do so has had to apply for permission to provide off sales. For the avoidance of doubt the applicant does not wish to allow guests to take alcohol off the premises in any other circumstances. Again, in order to demonstrate that the applicant wishes to be a good neighbour, the company is content to offer a condition giving effect to this proposal. The applicant would ask you to note that with regard to the disposal of bottles, there is a dedicated internal area two floors below the cinema for such disposal and which is some considerable distance from residential property. However, the applicant is also happy to proffer a condition as you have requested not to remove glass bottles between the hours of 8pm and 9am.

We note your concerns about this application setting a precedent. Any application determined by the Licensing Committee will be determined on its own merits and granting this application would not bind the Licensing Committee with regard to any applications in the future, in other words it would not set any precedent. The

proposal is significantly different to a pub or bar offering and is distinguishable as such. By way of example, guests do not resort to the premises for the principle purpose of drinking. They visit the premises to watch a film. The provision of alcohol is an ancillary service akin to the nature of alcohol provision at a theatre. It is the company's experience that guests that purchase alcohol usually have one or two alcoholic drinks, as guests do at the theatre ie one before the performance starts and possibly one during. It is the ancillary nature of the provision of alcohol which also means that people are likely to be much quieter when leaving the venue. Many will drive to the venue which also ensures guests will drink moderately. Guests do not want their entertainment spoilt or interrupted so it is not in the interests of providing very high levels of guest experience for the applicant to permit unruly behaviour at the venue, either generally or as a result of the provision of alcohol.

All staff are trained in the importance of promoting each of the licensing objectives, including the protection of children from harm. Staff are trained in the Challenge 25 scheme which means that anybody who is seeking to purchase alcohol and appears to be under 25 will be challenged to provide identification and if satisfactory identification cannot be provided, then the sale will be refused. The staff are also taught how to recognise if guests are trying to purchase on behalf of those under 18 and would refuse the sale and ask such persons to leave the venue. Similarly, with regard to supplying alcohol for consumption by under 18s. The screens are patrolled regularly (and a condition has been proffered to this effect) and monitoring for such behaviour is checked by staff. CCTV also covers all of the screens and it will operate in low light levels due to infra-red support. The footage is monitored and if any inappropriate behaviour is identified staff are alerted via radio link and asked to attend to deal with the situation.

As you will appreciate, given that the applicant provides family entertainment it would not be in the interests of the company for there to be any association with the brand that protecting children from harm vis a vis the sale of alcohol was not a priority. The company provides alcohol as an ancillary service for guests at its venues up and down the country and has not had any issues regarding underage/proxy sales to minors or allowing consumption. The applicant has noted your suggestion regarding only allowing the sale of alcohol when the films shown are certificate 18. Unfortunately, the majority of films released do not have an 18 certificate. It is anticipated that less than 3% of films which will be shown in Durham would carry such a certificate.

As we have sought to set out, Odeon regards itself as an integral part of the local communities in which it operates up and down the country and always wishes to work with local residents and groups to ensure it does all it can to be a good neighbour. However, the applicant would also like to provide the same services to its customers in Durham as it does in many of its other cinemas around the country. Odeon seeks to balance the needs of local residents and the services it wishes to provide to its customers and trusts that the concessions which have been proffered in a spirit of cooperation will address the concerns which you have raised and mean that your representation can be withdrawn in writing in order to avoid the necessity of attending a hearing.

Thank you for your comments and the applicant looks forward to working with you in the future.

Yours sincerely

Suzanne Davies  
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## **Appendix 7: Responses from Responsible Authorities**

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## **Karen Baker**

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**From:** Ted Murphy  
**Sent:** 08 April 2019 13:46  
**To:** Karen Baker  
**Subject:** RE: Licensing - NEW PREMISES LICENCE APPLICATION Odeon Cinema, Unit 15 Riverwalk Durham DH1 4SL

Hi Karen,

I have no representations to make regarding this application.

Regards

Ted Murphy  
Senior Environmental Health Officer  
Regeneration and Local Services

T:  
E:

Web: [www.durham.gov.uk](http://www.durham.gov.uk)  
Follow us on Twitter @durhamcouncil  
Like us at [facebook.com/durhamcouncil](https://facebook.com/durhamcouncil)

**Karen Baker**

---

**From:** Sean Barry  
**Sent:** 09 April 2019 11:29  
**To:** Karen Baker  
**Cc:** AHS Licensing; Helen Johnson - Licensing Team Leader (N'hoods)  
**Subject:** RE: Licensing - NEW PREMISES LICENCE APPLICATION Odeon Cinema, Unit 15 Riverwalk Durham DH1 4SL

Good Morning

I have received a new licence application for the establishment: Odeon Luxe Cinema, Unit 15 The Riverwalk Durham DH1 4SL

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

My Ref: PH/2019/035

Thanks  
Sean



Chief Fire Officer: Stuart Errington

Fire and Rescue Service Headquarters,  
Belmont Business Park, Durham, DH1 1TW

Date: 12 April 2019

This matter is being dealt with by: Jonathan Smith

Ext:

Our Ref: 1840850001

Your Ref: Odeon Cinemas  
Limited

Direct Dial Telephone:

E-mail:

Karen Baker  
Licensing Assistant  
Environment, Health & Consumer Protection  
Regeneration and Local Services,  
Durham County Council,  
Annand House,  
Meadowfield,  
Durham. DH7 8RS

Dear Karen

**Licensing Act 2003**  
**Regulatory Reform (Fire Safety) Order 2005**  
**Odeon Cinema, Unit 15 The Riverwalk, Durham, DH1 4SL**

I acknowledge your application dated 5 April 2019 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

No representations will be made to the Licensing Authority subject to the responsible person for the above premises ensuring compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005.

For further guidance please refer to <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents> which provides information about the Regulatory Reform (Fire Safety) Order 2005.

Should you require any further information please do not hesitate to contact me on the telephone number or e-mail address shown above or visit our website [www.ddfire.gov.uk](http://www.ddfire.gov.uk) and follow the link to Fire safety at work.

Yours faithfully

Jonathan Smith



[www.ddfire.gov.uk](http://www.ddfire.gov.uk)

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## **Appendix 8: Statement of Licensing Policy**

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## **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.

## **8.0 Public Safety**

8.1 The Act covers a wide range of premises that require Licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants.

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

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

## **9.0 Prevention of Public Nuisance**

9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

9.2 The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. The Licensing Authority will expect applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance



relevant to the individual style, location and characteristics of the premises and events.

9.3 If an external structure or area is to be used by customers, whether for consumption of alcohol or for smoking, the applicant will be expected to offer measures designed to minimise its impact on local residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on hours that areas / structures will be used, appropriate signage requesting customers to consider local residents and monitoring of such areas by staff.

9.4 The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway relevant consents will often be required. Enquiries for such consents should be made to the Council's Highway's Section of the Regeneration and Economic Development Department. In predominantly commercial areas such as shopping centres the Licensing Authority, the use of tables and chairs outside may be allowed however, the Council will normally expect them to be removed before the premises close, and any resulting litter/ debris cleared away.

9.5 Applicants should give consideration to reducing potential noise nuisance by, for example (this list is not exhaustive):

- Assessment of likely noise levels in the premises.
- Assessment of likely noise levels if outdoor drinking is allowed.
- The sound insulation the building would provide (e.g. double glazing, double doors / lobbies to entrances, windows used for ventilation).
- The distance and direction to the nearest noise sensitive premises.
- Likely noise sources outside of the premises (e.g. emptying bottle bins, taxis, unruly customers leaving the premises).
- Dispersal of patrons – where necessary the Licensing Authority will expect a dispersal policy for patrons at the end of the evening. The policy will specify such issues as alterations to the style and volume of music played, public address announcements and use of appropriate signage at exits.
- Ways to limit noise / disorder from patrons leaving the premises.

9.6 The extent to which the above matters will need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

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

9.8 Takeaways and fast-food outlets: The Licensing Authority expects takeaways and late night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also

provide notices displayed advising customers of the location of bins and patrons should use the bins any provided.

## **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.**

<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	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 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 authorising late night refreshment as the primary licensable activity (takeaways)	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 9: Section 182 Guidance**

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## 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 safety**

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
  - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
  - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

## Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

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<sup>1</sup> S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

## **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