

Statutory Licensing Sub-Committee

29th October 2019

Application for the grant of a

Premises Licence

Ordinary Decision



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

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

Electoral division(s) affected:

Consett

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for Bar 1, 28-30 Front Street, Consett, Co Durham DH8 5AQ.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application is for the grant of a premises licence for Bar 1, 28-30 Front Street, Consett, Co Durham. This application was received on 5th September 2019, (Applicant - Bar 1 Limited – Director Samantha Jakeman).
- 4 For members information: This establishment held a premises licence (licence holder – Bar Lux Limited, Ms Shkelqesa Zyberaj – Director and Designated Premises Supervisor - Mr Peter Skotidakis) until it was revoked on 31st July 2019.
- 5 On 3rd July 2019 the Licensing Authority received an application and supporting certificate under Section 53A of the Licensing Act 2003 from Durham Constabulary where it was required to consider whether it is necessary to take interim steps pending determination of the full review of the premises within 48 hours of receipt of the application. Section 53A provides that the Chief Officer of Police may apply for an urgent review of a premises where it is considered the premises is associated with serious crime and /or serious disorder.

- 6 On 5th July 2019 the Statutory Licensing Sub Committee members decided to suspend the premises licence with immediate effect and remove the designated premises supervisor Mr Peter Skotidakis pending a full review.
- 7 On 31st July 2019 the Statutory Licensing Sub Committee determined the review of the premises licence for Bar Lux, 28-30 Front Street, Consett and revoked the premises licence.
- 8 On 2nd October 2019 the Licensing Authority received a letter of representation from Durham Constabulary in opposition to the new application for Bar 1, 28-30 Front Street, Consett which was submitted on 5th September 2019 from Durham Constabulary.
- 9 County Durham & Darlington Fire and Rescue Service, Durham Safeguarding Children Partnership, Durham County Council Environmental Health, Durham County Council Public Health, have responded to the consultation with no comments.

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 7.
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 8.

Background

- 12 Background information

Applicant	Bar 1 Limited Director – Samantha Jakeman	
Type:	Date received:	Consultation ended:
Grant of a premises licence	5th September 2019	3rd October 2019

Details of the application

- 13 An application for the grant of a premises licence was received by the Licensing Authority on 5th September 2019. Please note the applicant's agent has submitted additional documents in relation to the application. A copy of the application and additional documents are attached, see Attached at Appendix 3.
- 14 The proposed licensable activities are as follows:

Proposed Licensable Activities and Opening Hours	Days & Hours
Live and Recorded Music - indoors	Monday to Sunday 12:00 hrs until 03:00 hrs
Performance of Dance	Monday to Sunday 12:00 hrs until 03:00 hrs
Anything of a similar description to that falling within (e) (f) or (g)	Monday to Sunday 12:00 hrs until 03:00 hrs
Supply of alcohol (on sales)	Monday to Sunday 12:00 hrs until 03:00 hrs
Hours open to the public	Monday to Sunday 12:00 hrs until 03:30 hrs

- 15 The applicant has proposed conditions and the steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application form.
- 16 Members should refer to Durham County Council's Statement of Licensing Policy – Appendix B "Framework of Licensing Hours" for the recommended hours for the operation of licensable activities within the County of Durham. See Attached Appendix 4.

The Representations

- 17 The Licensing Authority received one letter of representation from Durham Constabulary during the consultation period. Members should be aware that communications/mediation have taken place between Durham Constabulary and the Applicant's Agent, however no outcome had been established at the time of writing the report.
- 18 The Licensing Authority deemed the representations as relevant, relating to the following licensing objectives:
- The Prevention of Crime and Disorder
 - The Prevention of Public Nuisance
- A copy of the representation is attached as Appendix 5.

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

- County Durham and Darlington Fire and Rescue Service
- Durham County Council's Public Health Department
- Durham Safeguarding Children Partnership
- Durham County Council's Environmental Health Department

Copies of these responses are attached at Appendix 6.

The Parties

20 The Parties to the hearing will be:

- Mr Rob Edge - (Applicant's Agent)
- Applicant – Bar 1 Ltd - Samantha Jakeman
- Durham Constabulary (Responsible Authority)

Options

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

- (a) Grant the variation 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 reject the whole or part of the application.

Main implications

Legal Implications

22 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

- 23 The premises licence application was subject to a 28 day consultation.
See Appendix 1

Conclusion

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

Background papers

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

Other useful documents

- None

Contact: Karen Robson

Tel: 03000 265104

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

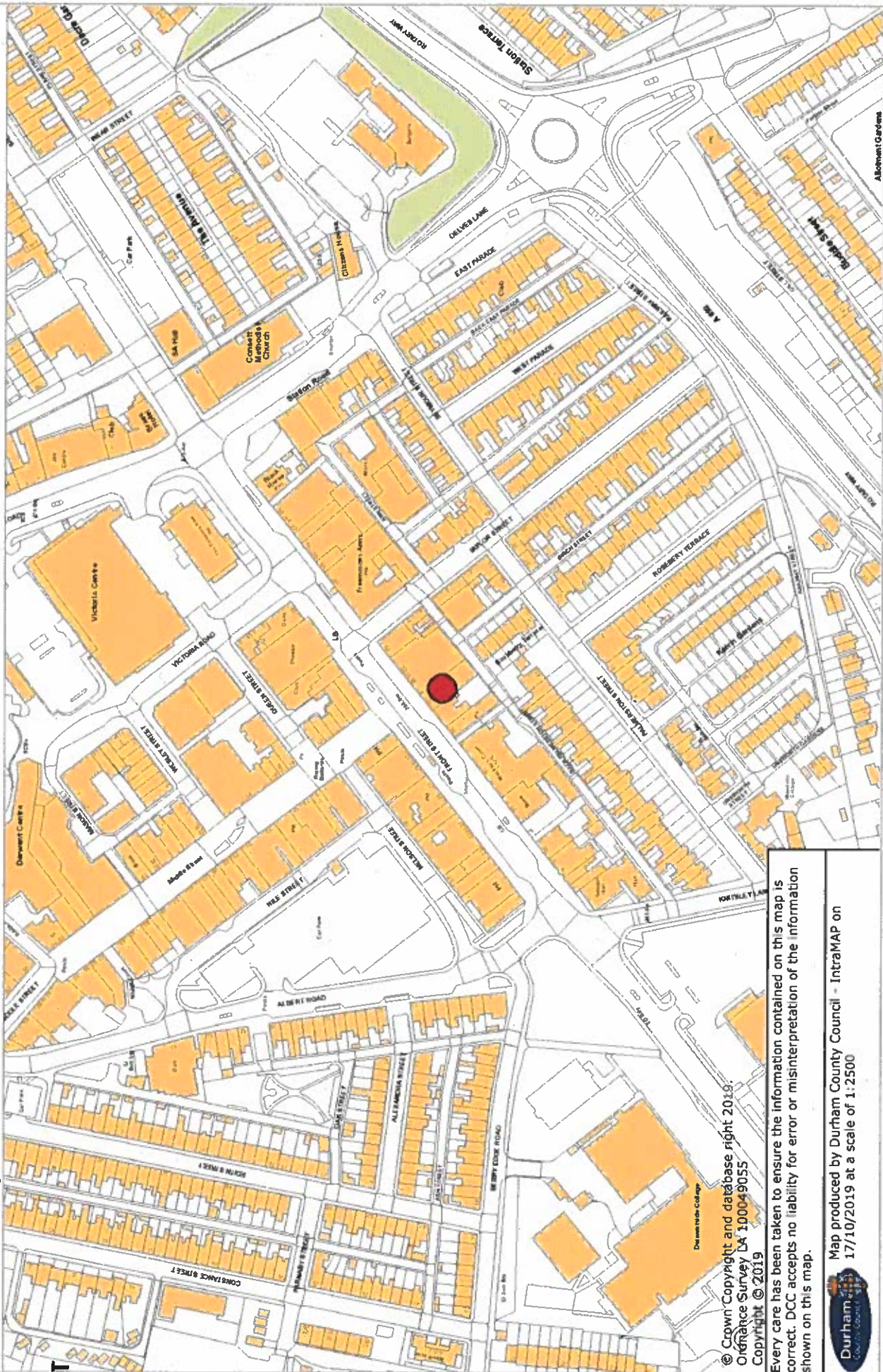
The notice of application was displayed on the premises for a period of 28 days.

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

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

Appendix 2: Location Plan

Durham County Council - IntraMAP



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 Ordnance Survey LA 100049055
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Every care has been taken to ensure the information contained on this map is correct. DCC accepts no liability for error or misinterpretation of the information shown on this map.

Map produced by Durham County Council - IntraMAP on
 17/10/2019 at a scale of 1:2500



Appendix 3: Application Form

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Bar 1 Ltd

(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			
28-30 Front Street Consett			
Post town	Durham	Postcode	DH8 5AQ
Telephone number at premises (if any)			
Non-domestic rateable value of premises			

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <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)					

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name Bar 1 Limited
Address 28-30 Front Street Consett Durham DH8 5AQ

Registered number (where applicable) 12153139
Description of applicant (for example, partnership, company, unincorporated association etc.) 56301 - Licensed clubs 56302 - Public houses and bars.
Telephone number (if any)
E-mail address (optional)

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"/>

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)

The premises is to be run as a night club and will have a positive impact on the community, which includes employees, suppliers, customers, the environment and the people of Durham.

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 type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input 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) ☒
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☒
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☒

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

B

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

C

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

D

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

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input 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	1200	0300			
Tue	1200	0300			
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed	1200	0300			
Thur	1200	0300			
			<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)		
Fri	1200	0300			
Sat	1200	0300			
Sun	1200	0300			

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	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	1200	0300			
Tue	1200	0300			
			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed	1200	0300			
Thur	1200	0300			
			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 (please read guidance note 6)		
Fri	1200	0300			
Sat	1200	0300			
Sun	1200	0300			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	1200	0300	<u>Please give further details here</u> (please read guidance note 4)		
Tue	1200	0300			
Wed	1200	0300	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur	1200	0300			
Fri	1200	0300	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	1200	0300			
Sun	1200	0300			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input checked="" type="checkbox"/>
Mon	1200	0300		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	1200	0300	<u>Please give further details here</u> (please read guidance note 4)	
Wed	1200	0300		
Thur	1200	0300	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)	
Fri	1200	0300		
Sat	1200	0300	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
	1200	0300		
Sun	1200	0300		

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	1200	0300			
Tue	1200	0300			
Wed	1200	0300			
Thur	1200	0300			
Fri	1200	0300			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	1200	0300			
Sun	1200	0300			

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 Jody Carol Armstrong	
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

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	1200	0330	<u>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</u> (please read guidance note 6)
Tue	1200	0330	
Wed	1200	0330	
Thur	1200	0330	
Fri	1200	0330	
Sat	1200	0330	
Sun	1200	0330	

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)

The premises is to be well managed by the DPS and staff, at all times.

The Premises Licence Holder and Designated Premises Supervisor will always ensure that the licensing objectives are fully adhered to and that due diligence is given to the day-to-day management of the premises.

b) The prevention of crime and disorder

SIA staff to minimise potential nuisance to neighbours and will monitor conduct of patrons leaving the premises; Signage will be prominently displayed to reflect this as a requirement. A proof of age scheme will be in place and relevant ID will always be requested for Challenge 25, a refusals log will be used at all times.

The premises will have an incident book and record all incidents that occur inside or immediately outside the premises and this is to happen whether emergency services have been called or not. Any Responsible Authority can inspect the incident book at any time.

CCTV - The Premises will operate a CCTV system at all times the premises are open for licensable activities. The CCTV system used shall record for a minimum of 31 days. All images held by the CCTV system will be made available to any of the Responsible Authority upon reasonable request. The Premises Licence Holder shall ensure the CCTV system is recording whenever the premises is open for licensable activities.

Refusals log will be kept at the premises and completed on any occasion a sale is refused; this will be made available to all Responsible Authorities on request. The refusals log is to be signed by the DPS on a regular basis, even if there are no refusals.

Pubwatch – Both the DPS and head door person {SIA} will regularly attend Pubwatch and will ensure they are in possession of updated lists of those banned from licensed premises within the area. This information is to be conveyed to all staff working at the premises.

Staff Training - All staff involved in the sale of alcohol will be fully trained in the main aspects of the Licensing Act 2003, records will be kept of all training and retraining will take place every 6 months. All new members of staff will be trained prior to commencing employment.

Last Entry, Customers will not be allowed into the premises after 0130 hrs and there is to be no re-entry for those who leave the premises.

There will be three Personal Licence Holders on duty at all times when licensable activities are undertaken.

Incident Book - will be kept at the premises and completed on any occasion an incident takes place, this book will be maintained by door staff and signed off by both the head door person and the DPS. This is to be made available to all Responsible Authorities on request.

Signage – Signage is to be prominently placed near the entrance of the venue, stating {1} that management have the right to refuse entry and that there is a last entry policy of 0100 hours for all customers.

The venue is to operate a full Polycarbonate glass only policy; all drinks are to be dispensed into the glasses for all customers. There will be an exception of wine and champagne at private parties.

Door staff {SIA} The door staff profile will consist of identification for the member of staff. A copy of his/her SIA badge, Passport or driving Licence. If the proof of identification is

anything older than the photo driving licence, then the member of staff will need proof of address, which must be a copy of a utility bill and dated within the last six months.
The Premises Licence Holder shall ensure that Door supervisors stationed outside the premise will wear hi-visibility jackets/coats, and will have their SIA badge held in a clear arm sleeve. Door Supervisors inside the premises will wear hi-visibility waistcoats, again with their SIA badge held in a clear arm sleeve.

c) Public safety

All staff involved in the sale of alcohol will be fully trained in the main aspects of the Licensing Act 2003 and refresher training will take place every 6 months. A register of all staff training is to be maintained and be made available to any responsible authority.
The Premises Licence Holder shall ensure that all entrances, exits and passageways are always kept clear of debris or furniture. All waste produced by the premises will be disposed of appropriately
A register of refusals will be kept and maintained on the premises.
Challenge 25 will be operated and only recognised forms of proof of age will be accepted.

d) The prevention of public nuisance

Signage is to be displayed in a prominent position requesting that customers leave the premises quietly and show consideration to neighbours.
All waste produced by the premises will be disposed of appropriately
Staff will pay particular attention to ensuring the frontage is kept clean and free of debris. Also pointing out to customers the .Clear signage requesting that patrons leave quietly
There will be zero tolerance to drunken or anti-social behaviour.
Out of hours' deliveries will be carefully monitored, to ensure noise is kept to the minimum.
All staff will be fully trained to ensure that patrons depart in a quiet and considerate manner.
A dedicated taxi company will be used for the purpose of collecting patrons.

e) The protection of children from harm

Challenge 25 - A strict Challenge 25 will be in place and staff training will be both comprehensive and reviewed on a regular basis; with records being retained at the premises; and made available for inspection by any Responsible Authority at reasonable notice.
Challenge 25 posters will be prominently displayed.
Children will not be allowed on the premises after 2100 hrs, except when there is a private function; and only then when accompanied by an adult.

Checklist:

Please tick to indicate agreement

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

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	4 September 2019
Capacity	Agent on behalf of the applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Rob Edge

Post town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Consent of individual to being specified as premises supervisor

Jody Carol Armstrong

[full name of prospective premises supervisor]

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Bar 1 28-30 Front Street, Consett. Durham. DH8 5AQ

New Premises licence

[type of application]

by

Bar 1 Ltd

[name of applicant]

relating to a premises licence N/A. New Premises Licence Application

[number of existing licence, if any]

for

Bar 1. 28-30 Front Street, Consett. Durham. DH8 5AQ

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Bar 1 Ltd

[name of applicant]

concerning the supply of alcohol at

[name and address of premises to which application relates]

Bar 1 28-30 Front Street, Consett. Durham. DH8 5AQ

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[insert personal licence number, if any]

Personal licence issuing authority

Durham County Council

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

>

Name (please print)

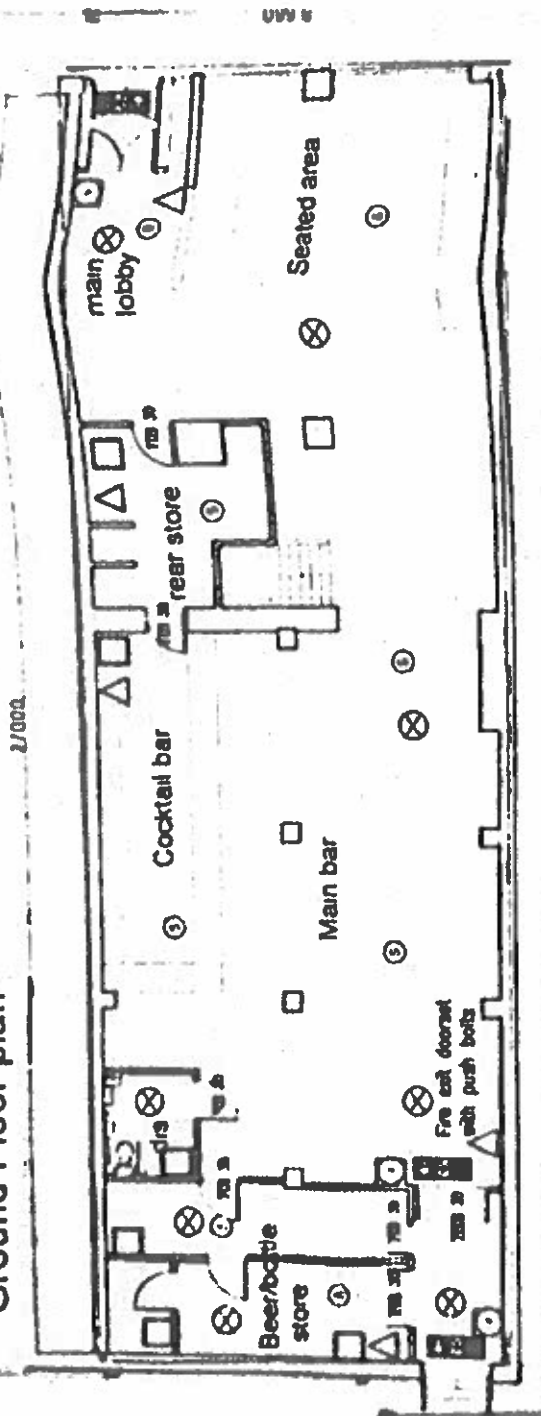
Jody Carol Armstrong

Date

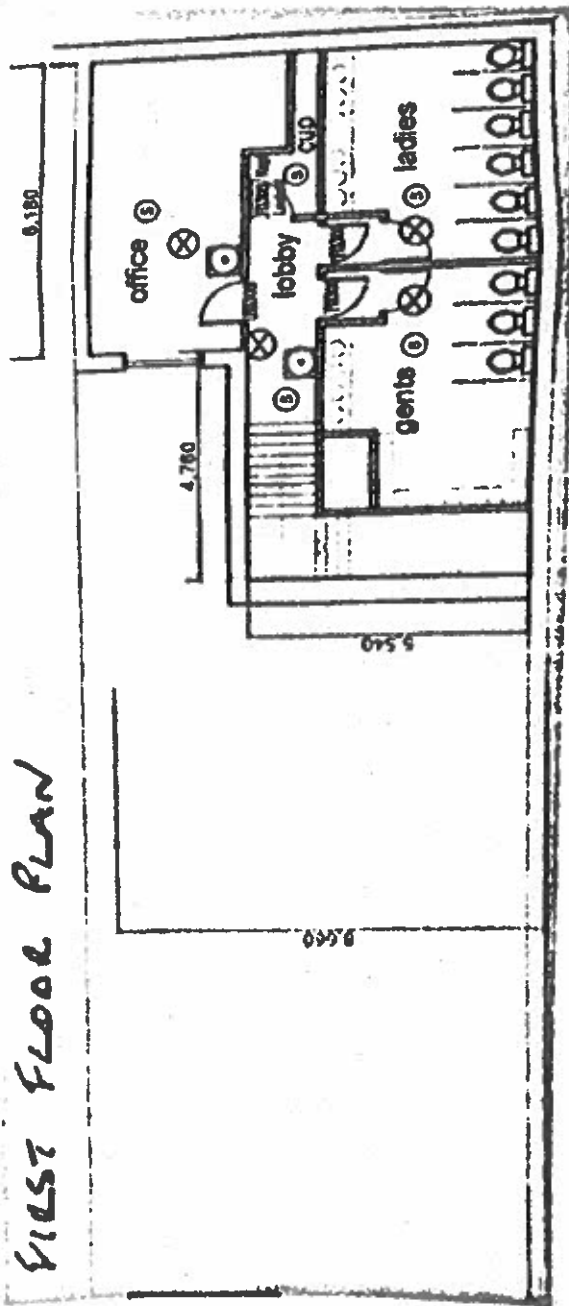
22, August 2019

Bar 1
28-30 Front Street
Consett, Durham
DH8 5AQ

Ground Floor plan



First Floor plan



licence holder Ltd
W1
rob s
ik

Version 01 - August 2019
Measurements supplied by owner

ADDITIONAL DOCUMENTS FROM APPLICANT'S AGENT – MR EDGE

From: rob.edge
Sent: 17 October 2019 14:22
To: Karen Robson
Cc: 'Caroline Dickenson'; 'Michelle Williamson'
Subject: RE: Section 6 Notice of Hearing - Grant of a Premises Licence - Bar 1 Conssett DH8 5AQ
Attachments: Challenge 25 poster - Bar Lux.pdf; Test paper - Staff training Bar 1.docx; Notice of Attendance - BAR 1 LTD 29.10.2019.docx; INCIDENT LOG BOOK - Bar 1 Ltd.docx; BAR LUX - REFUSALS LOG.pdf; Signage - Bar 1 Ltd.pdf; Documents lodged on behalf of the applicant_Bar 1_LSC. 29-10-2019.docx

Dear All,

Please find notice of attendance attached to this email, I was instructed this morning by the Premises Licence Holder and will now be attending the hearing, additionally I have attached documents for submission at the hearing in support of the application.

Kind regards

Rob

Rob Edge
Licence Leader Ltd

Email. [rob.edge](mailto:rob.edge@licenceleader.co.uk)

Web. [www](http://www.licenceleader.co.uk)

Tel. (

Dedicated to providing a dynamic and realistic approach to licensing.

The information contained within this e-mail (and any attachment) sent by Licence Leader Ltd is confidential and may be legally privileged. It is intended only for the named recipient or entity to whom it is addressed. If you are not the intended recipient please accept our apologies and notify the sender immediately. Unauthorised access, use, disclosure, storage or copying is not permitted and may be unlawful. Any e-mail including its content may be monitored and used by Licence Leader Ltd for reasons of security and for monitoring internal compliance with the office policy on staff use. E-mail blocking software may also be used. Any views or opinions presented are solely those of the originator.

We cannot guarantee that this message or any attachment is virus free or has not been intercepted and amended.

Bar 1

**Durham County Council
Licensing Sub-Committee
1000 Hrs – 29 October 2019**

Documents lodged on behalf of the applicant

In my capacity as the agent acting for the applicant, I have liaised extensively with the Police Licensing Team via telephone and email with Sergeant Caroline Dickenson and PC Michelle Williamson. The premises licence holder has met with police licensing and discussed the venue in detail.

We strongly believe this premises can be well managed in a professional manner, with a highly skilled management team, learning lessons from the manner in which it was previously run. The management team will always ensure that they uphold and promote the licensing objectives and step up to the mark.

The following documents are being utilised for mediation and the day-to-day management of the premises, and, are now submitted to the subcommittee:

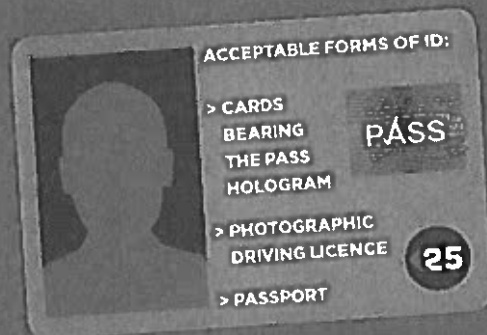
- Challenge 25
- Incident Log book
- Refusals Register
- Staff Training test papers
- Dress code
- Signage
 - To mitigate noise and nuisance, and show consideration to neighbours
 - Stating last entry time
 - Management have the right to refuse entry

I have liaised on a regular basis with the police licensing team in order to find a middle ground, and will continue to do so up to the date of the scheduled hearing.

**Rob Edge
Director
Licence Leader Ltd**

www.
rob.edge
Rob

UNDER 25?



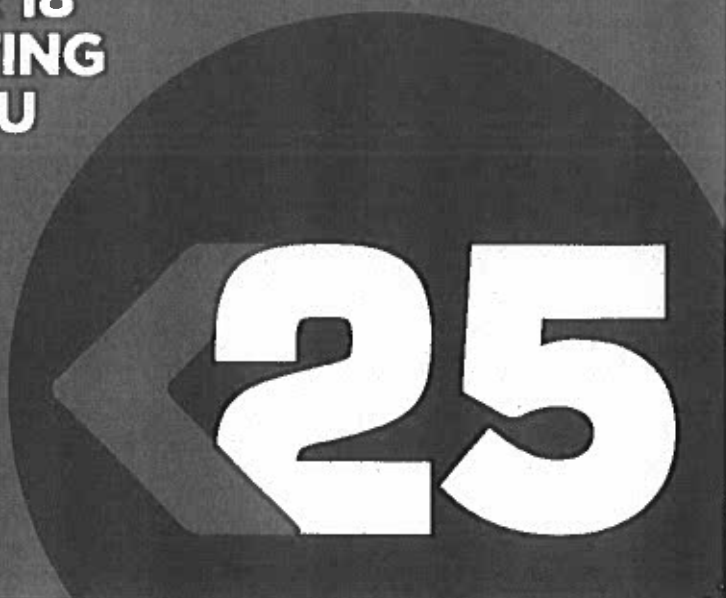
**IF YOU ARE LUCKY
ENOUGH TO LOOK UNDER
25 YOU WILL BE ASKED
TO PROVE THAT YOU ARE
AGED 18 OR OVER WHEN
YOU BUY ALCOHOL**

**IF YOU ARE UNDER 18
YOU ARE COMMITTING
AN OFFENCE IF YOU
ATTEMPT TO BUY
ALCOHOL**



drinkaware.co.uk
for the facts about alcohol

WWW.CHALLENGE25.ORG



Incident Log Book

Bar 1 Ltd

Please use a separate page in this log for each incident.

**Do not put yourself or staff at risk, call 999 or 101 when
appropriate**

Staff should write an entry whenever an incident occurs.

Licence Leader
Alcohol Licensing Services
www.licerl
Mobile.

Incident Report Log			
Date of incident	Time of incident		
Location	Value of Losses/Damage		
Description of Incident			
Images available		YES/NO	Are still images available
Was it reported to West Midlands Police		YES/NO	Crime Number
If reported to West Midlands Police, was it reported at the time of incident or afterwards:-			
Which staff member was involved with this incident			
What further action has been taken by Premises Licence Holder			
Final comments;			

Incident Report Log			
Date of incident	Time of incident		
Location	Value of Losses/Damage		
Description of Incident			
Images available		YES/NO	Are still images available
Was it reported to West Midlands Police		YES/NO	Crime Number
If reported to West Midlands Police, was it reported at the time of incident or afterwards:-			
Which staff member was involved with this incident			
What further action has been taken by Premises Licence Holder			
Final comments;			

Incident Report Log			
Date of incident	Time of incident		
Location	Value of Losses/Damage		
Description of Incident			
Images available		YES/NO	Are still images available
Was it reported to West Midlands Police		YES/NO	Crime Number
If reported to West Midlands Police, was it reported at the time of incident or afterwards:-			
Which staff member was involved with this incident			
What further action has been taken by Premises Licence Holder			
Final comments;			

Incident Report Log			
Date of incident	Time of incident		
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Images available		YES/NO	Are still images available
Was it reported to West Midlands Police		YES/NO	Crime Number
If reported to West Midlands Police, was it reported at the time of incident or afterwards:-			
Which staff member was involved with this incident			
What further action has been taken by Premises Licence Holder			
Final comments;			

Incident Report Log			
Date of incident	Time of incident		
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Images available		YES/NO	Are still images available
Was it reported to West Midlands Police		YES/NO	Crime Number
If reported to West Midlands Police, was it reported at the time of incident or afterwards:-			
Which staff member was involved with this incident			
What further action has been taken by Premises Licence Holder			
Final comments;			

Incident Report Log			
Date of incident	Time of incident		
Location	Value of Losses/Damage		
Description of Incident			
Images available	YES/NO	Are still images available	YES/NO
Was it reported to West Midlands Police	YES/NO	Crime Number	
If reported to West Midlands Police, was it reported at the time of incident or afterwards:-			
Which staff member was involved with this incident			
What further action has been taken by Premises Licence Holder			
Final comments;			

REFUSALS LOG BOOK

Bar Lux

If a customer appears to be under 25 and fails to produce a valid ID photo, the sale should be **Refused** and recorded in this refusals log. Staff should write an entry whenever an age-related sale is refused.

No ID - No Sale

Licence Leader Limited
Alcohol Licensing Services
www.licence-leader.co.uk
Mobile 01223 316000

**Test paper for those employed within the
Licensing Trade - Licensing Act 2003**

{Extracted from the BIIAB Level 2 award for Personal Licence Holders}

Candidate..... Date.....

Organisation: Bar 1 Ltd

1. Which of these is a "Licensing Objective" ?	
A	
B	
C	
D	

2. An Unauthorised licensable active is ?	
A	
B	
C	
D	

3 A drink is classed as alcohol if its "abv" is more than :	
A	
B	
C	
D	

4 A premises licence authorises the use of specific premises for :	
A	
B	
C	
D	

5 The maximum penalty for selling alcohol outside of the hours authorised by a premises licence is:	
A	
B	
C	
D	

6 The role of the Designated Premises Supervisor on a licensed premises is to :	
A	
B	
C	
D	

7 If a police Officer witnesses a sale of alcohol to a drunk, what value fixed penalty fine can they impose ?	
A	
B	
C	
D	

8 Which of these is the most reliable form of proof of age ?	
A	
B	
C	
D	

9 It is an offence to serve alcohol to a person who is ?	
A	
B	
C	
D	

10. What is the minimum age at which a person can legally be sold alcohol on a licensed premises ?	
A	16
B	18
C	20
D	25

Bar 1 Limited

Customers are kindly requested not to take drinks or vessels outside when going out to smoke.

Customers are requested to show consideration to neighbours and not cause noise or nuisance when leaving the premises.

This premises operates a last entry time and additionally the Management have the right to refuse entry to any customer.

Thank you for your cooperation.

The Management

Appendix 4: Framework of Hours

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

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

Appendix 5: Representation from Durham Constabulary

From: Caroline Dickenson < >
Sent: 02 October 2019 19:59
To: Yvonne Raine; Karen Robson
Cc: Alcohol Harm Reduction Unit; Michelle Williamson
Subject: objection to BAR 1

To whom it may concern

Objection to an application for a premise licence to be granted under the licensing Act 2003

Durham Constabulary wish to object to the application made under the licensing Act 2003 for Bar 1 LTD, 28-30 Front Street, Consett

Durham Constabulary are objecting under The prevention of crime and disorder and the Prevention of public Nuisance.

The applicant has applied for 3am for the sale of alcohol, live music, recorded music, performance of dance (sections E,F,G, H and J) and all other licenced activity within the premises, with the hours open to the public at 3:30am.

As per Durham County Council's statement of licencing policy 2014-2019 the recommended hours for the operation of licensable activities for licensed premises situated within the County of Durham are Weekdays Sunday – Thursday 07:00 to 00:00 and weekends Friday night into Saturday morning and Saturday night into Sunday morning are 07:00 to 01:00 plus an addition 1hr for Good Friday and for all other Bank holidays.

When consideration was made for appropriate times for the policy framework hours, Durham County Council Licensing Authority had regard to concerns expressed by residents, the licensed trade and the responsible authorities which included Durham Constabulary.

In extending the hours that the patrons can consume alcohol, the propensity for drunkenness and alcohol fuelled violence will increase accordingly. Incidents of violent assaults occur on a weekend in Consett and this is primarily due to the fact that premises operate their longer opening hours during this time. In allowing a premise to be open until 3:30am patrons will consume more alcohol and the effects of excessive consumption will have an adverse effect on the quality of lives of the local community and will have impact on the Crime and Disorder and Public Nuisance objectives.

Bar 1 Ltd is formally Lux Bar 28-30 Front Street, Consett. Lux Bar had their licence revoked on 31st July 2019 which was a result of interim steps hearing on 5th July 2019 whereby the licence was suspended. The manager of LUX Bar leading up to the review hearings was [redacted] it was established he was the person in day to day control of at the premises and he is the husband of the only director of Bar Lux Ltd.

During a meeting with applicant – [redacted] she advised she would be subletting the building from [redacted]

This is a concern to Durham Constabulary as he currently still has the tenancy on the building and therefore an interest in it. Although there is the intention of him subletting the building to the applicant, she has advised this won't be done until the licence is granted, however her representative Rob Edge has confirmed the sublease is being drawn up by the solicitors and should be completed by 1 October 2019. Durham Constabulary have not had sight of any lease.

In order to address our concerns around the lease as we want to ensure [redacted] doesn't have a part to play in the running of this premises, Durham Constabulary have suggested to Rob Edge they apply for the licence to be valid for a limited period and advised we would be looking for a period of 12 months. However we have been advised the

idea that the applicant would agree to a 12 month licence would not make good business sense and would mean the expense of re-applying for a new licence.

Although Durham Constabulary have suggested to the applicant reducing the hours of operation and a time limited licence this has not be acceptable to the applicant.

Thankyou

Sgt 484 Caroline Dickenson
AHRU
Durham Constabulary

DURHAM CONSTABULARY, Protecting Neighbourhoods, Tackling Criminals, Solving Problems...Around the Clock

NEIGHBOURHOOD POLICING: Use your postcode to get access to local news and events from your Neighbourhood Policing Team, at <https://www.durham.police.uk>

This email carries a disclaimer, a copy of which may be read at <https://www.durham.police.uk/Pages/E-Mail%20and%20SMS%20Text%20Disclaimer.aspx>

Appendix 6: Responses from Responsible Authorities



Chief Fire Officer: Stuart Errington

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

Date: 10 September 2019

This matter is being dealt with by: Jonathan Smith

Ext:

Our Ref: 7A10450185

Your Ref: Bar 1, Consett

Direct Dial Telephone: 1

21

E-mail: josmithr

Carol Graham
Licensing Officer
Community Protection Service
Regeneration and Local Services
Durham County Council
Annand House
Meadowfield
Durham. DH7 8RS

Dear Carol

Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005
Bar 1, 28/30 Front Street, Consett, DH8 5AQ

I acknowledge your application dated 5 September 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 and follow the link to Fire safety at work.

Yours faithfully

Jonathan Smith
Fire Safety Section



www.ddfire.gov.uk

From: Sean Barry
Sent: 18 September 2019 09:02
To: Carol Graham - Licensing Assistant (N'hoods)
Cc: AHS Licensing
Subject: RE: Licensing - new premises licence application received - Bar 1, 28-30 Front Street, Consett. DH8 5AQ

Good Morning

I have received a new licence application for the establishment: Bar 1, 28-30 Front Street, Consett. DH8 5AQ

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

My Ref: PH/2019/099

Thanks
Sean

My Ref: SB/2019/101

I represent the Durham Safeguarding Children Partnership (DSCP) which is a responsible authority under the licensing act. I have received a copy of your application for a premises licence for your premises, Bar 1, 28-30 Front Street, Consett. DH8 5AQ

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

Regards

Stephen Winship

Policy & Strategy Officer
Durham Safeguarding Children Partnership
Tel : ()

County Hall, Durham
DH1 5UL



Durham Safeguarding Children Partnership (DSCP)
Keeping Children Safe

d: [redacted] uk
W: [redacted]



From: Martin Scott
Sent: 06 September 2019 09:27
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: Bar 1, 28, Front Street, Consett

Dear Carol,

Thank you for consulting the Nuisance Action Team, regarding the new premises Application for:

Bar 1, 28, Front Street, Consett,

Dated: 5th, September, 2019.

I have no representations to make regarding the application.

Regards

Martin Scott
Senior Environmental Health Officer
Community Protection Service
Regeneration and Local Services

Appendix 7: Statement of Licensing Policy

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

7.0 The Prevention of Crime and Disorder

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

9.0 Prevention of Public Nuisance

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

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

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

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

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

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

9.6 The extent to which the above matters will need to be addressed will be dependent on the nature of the area where the premises are situated, the type of

premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

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

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

Appendix 8: Section 182 Guidance

Crime and disorder

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

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

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

Public nuisance

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

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