

## Statutory Licensing Sub-Committee

4<sup>th</sup> April 2022

Application to vary a Premises  
Licence

Ordinary Decision



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### Report of Alan Patrickson Corporate Director of Neighbourhoods and Climate Change

Councillor John Shuttleworth, Cabinet Portfolio Holder for Neighbourhoods and Climate Change

Electoral division(s) affected:

Consett North

#### Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application to vary a premises licence for Consett and District Cricket Club, Hope Street, Blackhill, Consett, Co. Durham DH8 5TS.
- 2 A plan showing the location of the premises is attached at Appendix 2.

#### Executive summary

- 3 The application is to vary a premises licence for Consett and District Cricket Club, Hope Street, Blackhill, Consett, Co Durham and was submitted by Mr Ian Cox, Chairman on behalf of the premises licence holder, Consett and District Cricket Club.

The application requests the following amendments to the current premises licence:

- To add indoor sporting events and the performances of dance
- To increase the timings for live music, recorded music and the sale of alcohol
- To change the plan attached to the premises licence to include a new fixed bar
- To increase the current opening hours

- To propose new conditions, reword and remove existing conditions from the operating schedule of the premises licence for the promotion of the licensing objectives
- 4 During the consultation period, the Licensing Authority received 12 objections, two from Responsible Authorities, namely Durham Constabulary and Environmental Health and the remaining from local residents (other persons). Eight representations from the residents have been validated and taken forward as relevant representations.
  - 5 Environmental Health have provided additional information in support of their objection.
  - 6 Mr Cox has provided additional information to support the application.
  - 7 Responses were received from the Fire Authority and the Council's Public Health Team, both confirming they had no comments to make regarding the application.

### **Recommendation(s)**

- 8 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 9 The Sub-Committee is recommended to give appropriate weight to:
  - (a) The steps that are appropriate to promote the licensing objectives;
  - (b) The representations (including supporting information) presented by all parties;
  - (c) Durham County Council's Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 6.
  - (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 7.

### **Background**

- 10 An application to vary the premises licence was received by the Licensing Authority on 14<sup>th</sup> February 2022. The application was subject to a 28-day public consultation which ended on 14<sup>th</sup> March 2022.

### **Details of the application**

- 11 A copy of the variation application and the current premises licence alongside additional information from the licence holder are attached at Appendix 3.
- 12 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 13 The current licensable activities and the changes requested by the variation application are as follows:

<b>Current Licensable Activity and Hours</b>	<b>Proposed Hours</b>
<p>Live Music (indoors)</p> <p>Friday, Saturday &amp; Sunday 20:00 – 23:30 hrs</p>	<p>Live Music (indoors &amp; outdoors)</p> <p>Monday to Thursday 11:00 – 00:00 hrs Friday 11:00 – 00:30 hrs Saturday 10:00 – 00:30 hrs Sunday 10:00 – 00:00 hrs</p>
<p>Recorded Music (indoors)</p> <p>Monday to Thursday 19:00 – 23:00 hrs Friday 19:30 – 00:00 hrs Saturday 19:00 – 00:00 hrs Sunday 10:00 – 23:00 hrs</p>	<p>Recorded Music (indoors &amp; outdoors)</p> <p>Monday to Thursday 11:00 – 00:00 hrs Friday 11:00 – 00:30 hrs Saturday 10:00 – 00:30 hrs Sunday 10:00 – 00:00 hrs</p>
<p>Sale of Alcohol (on sales):</p> <p>Monday to Thursday 17:30 – 23:00 hrs Friday 17:30 – 00:30 hrs Saturday 13:00 – 00:30 hrs Sunday 13:00 – 23:00 hrs</p>	<p>Sale of Alcohol (on sales):</p> <p>Monday to Thursday 11:00 – 00:00 hrs Friday 11:00 – 00:30 hrs Saturday 10:00 – 00:30 hrs Sunday 10:00 – 00:00 hrs</p>
	<p>Additional Activity: Indoor Sporting Events:</p> <p>Monday to Thursday 11:00 – 00:00 hrs Friday 11:00 – 00:30 hrs Saturday 10:00 – 00:30 hrs Sunday 10:00 – 00:00 hrs</p>

	<p>Additional Activity: Performance of Dance:</p> <p>Monday to Thursday 11:00 – 00:00 hrs Friday 11:00 – 00:30 hrs Saturday 10:00 – 00:30 hrs Sunday 10:00 – 00:00 hrs</p>
<p>Hours open to the public:</p> <p>Monday to Thursday 17:30 – 23:15 hrs Friday and Saturday 17:30 to 00:45 hrs Sunday 13:00 to 23:15 hrs</p>	<p>Proposed Opening Hours:</p> <p>Monday to Thursday 11:00 – 00:00 hrs Friday 11:00 – 00:30 hrs Saturday 10:00 – 00:30 hrs Sunday 10:00 – 00:00 hrs New Year's Eve until 02:00 New Year's Day</p>

## The Representations

- 14 During the consultation period, the Licensing Authority received 12 representations opposing the application, two from Responsible Authorities, namely Durham Constabulary and Environmental Health and ten from residents (other persons), however, only eight have been validated and taken forward as relevant representations.
- 15 The Licensing Authority deemed the representations to be relevant and relating to all four of the following licensing objectives:
- The Prevention of Crime and Disorder
  - Public Safety
  - The Prevention of Public Nuisance
  - The Protection of Children from Harm

A copy of the representations are attached at Appendix 4.

- 16 Responses were also received from the Fire Authority and the Council's Public Health Team, both had no comments to make.

These are attached as Appendix 5.

## The Parties

- 17 The Parties to the hearing will be:
- Mr Ian Cox, Chairman - Consett and District Cricket Club (Premises Licence Holder)

- Sgt Caroline Dickenson - Durham Constabulary (Responsible Authority)
- Mr John Hayes – Durham County Council Environmental Health (Responsible Authority)
- Mr & Mrs Lidster (other persons)
- Mr & Mrs Scudder (other persons)
- Mr & Mrs Looney (other persons)
- Mrs Heppell (other person) nominated Cllr Alex Watson to speak
- Mr Whittaker (other person)
- Mrs Martin (other person)
- Mrs Lavery (other person)
- Mr Reed (other person)

## **Options**

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

- (a) Grant the variation of 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 variation of 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 to vary the licence.

## **Main implications**

### *Legal Implications*

19 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*

20 The variation of a premises licence application was subject to a 28 day consultation.

See Appendix 1

### **Conclusion**

21 The Sub-Committee is asked to determine the application to vary the 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:** Karen Robson

Tel: 03000 265104

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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.

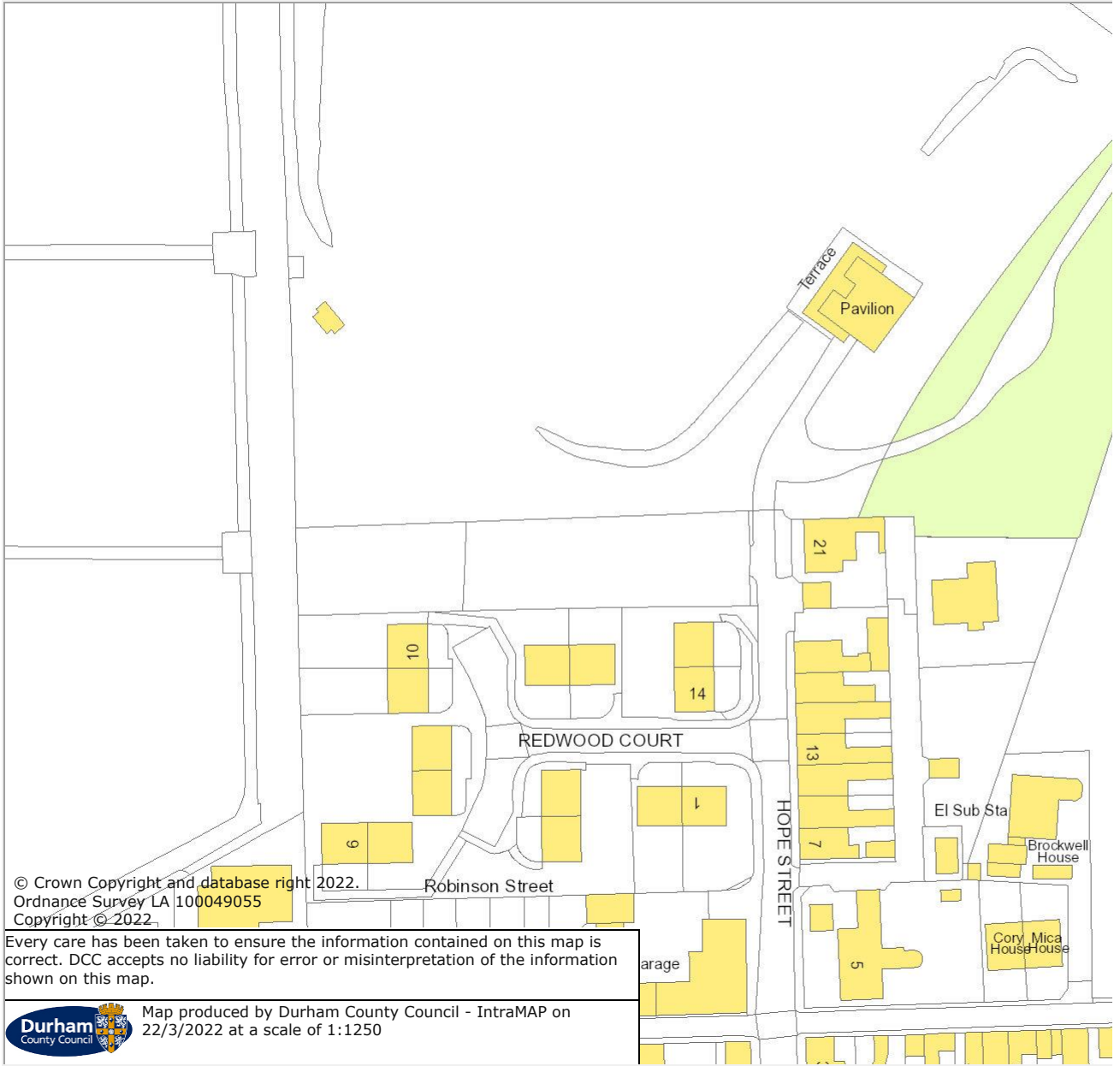
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## Appendix 2: Location Plan

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# Durham County Council - IntraMAP



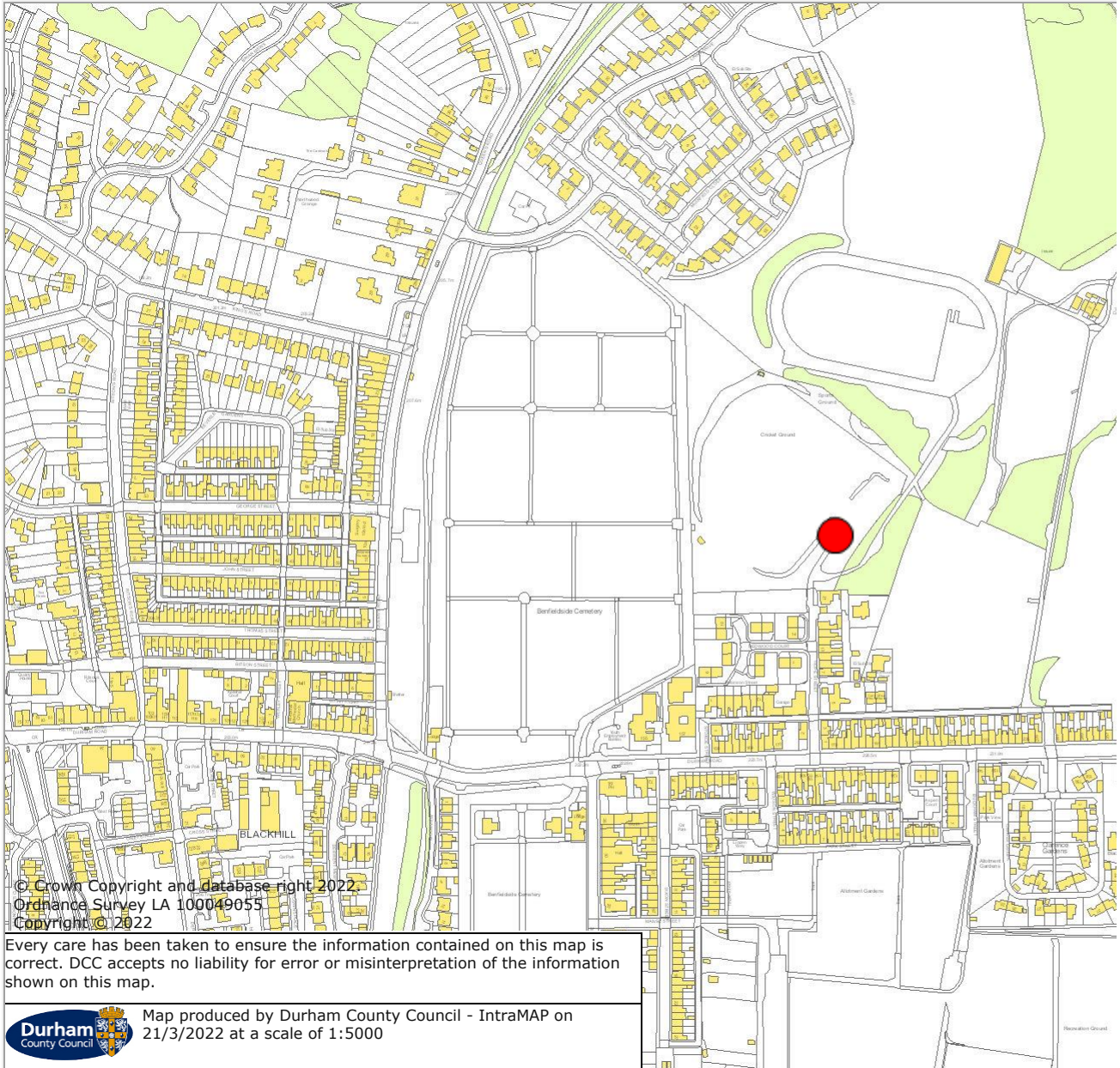
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# Durham County Council - IntraMAP



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## **Appendix 3: Application and current Premises Licence**

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\* required information

**Section 1 of 18**

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes  No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

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

Is your business registered outside the UK?  Yes  No

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

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

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

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Business Address**

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**APPLICATION DETAILS**

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

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

\* Premises Licence Number

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

*Continued from previous page...*

Non-domestic rateable  
value of premises (£)

### Section 3 of 18

#### VARIATION

Do you want the proposed variation to have effect as soon as possible?  Yes  No

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

Yes  No

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

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

#### Describe Briefly The Nature Of The Proposed Variation

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

We wish to increase our opening hours and license the new fixed bar that has been installed downstairs.

### Section 4 of 18

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

Yes  No

### Section 5 of 18

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

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

Yes  No

### Section 6 of 18

#### PROVISION OF INDOOR SPORTING EVENTS

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

- Yes
- No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

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End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

State any seasonal variations for indoor sporting events.

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

Continued from previous page...

Non-standard timings. Where the premises will be used for indoor sporting events at different times from those listed above, list below.

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

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

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

- Yes                       No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

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

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

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WEDNESDAY

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Start

End

THURSDAY

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Start

End



Continued from previous page...

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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

- Indoors       Outdoors       Both

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

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

State any seasonal variations for the performance of live music

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

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

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

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

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

- Yes       No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Start

End

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

- Indoors       Outdoors       Both

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

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

State any seasonal variations for playing recorded music.

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

Continued from previous page...

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

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

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

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

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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Continued from previous page...

SUNDAY

Start

End

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End

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

- Indoors       Outdoors       Both

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

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

State any seasonal variations for the performance of dance.

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

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

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

**Section 11 of 18**

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

[See guidance on regulated entertainment](#)

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

- Yes       No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

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

- Yes       No

**Section 13 of 18**

Continued from previous page...

## SUPPLY OF ALCOHOL

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

Yes  No

### Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

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THURSDAY

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FRIDAY

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End

SATURDAY

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End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

On the premises  Off the premises  Both

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

State any seasonal variations.

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

Continued from previous page...

New Years Eve until 2am on New Years Day

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

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

### Section 14 of 18

#### ADULT ENTERTAINMENT

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

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

### Section 15 of 18

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

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FRIDAY

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Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

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

New Years Eve until 02:00 on New Years Day

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

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

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Have tidied up the wording of Annex 2 sections as well as removing some of the content which was repetitive.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

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

*Continued from previous page...*

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

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

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

Conditions as per current license whilst removing select conditions.

- Strong management controls through our well established committee structure.
- Provide effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:
  - o No selling of alcohol to underage people.
  - o No drunk and disorderly behaviour on the premises area.
  - o Vigilance in preventing the use and sale of illegal drugs at the bar area.
  - o No violent and anti-social behaviour.
  - o Prevention of harm to children.
- Operating Schedule providing the hours of operation and licensable activities during those hours.
- Designated premises supervisor to be in control of the premises and to provide training for staff on the Licensing Act
- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.
- Roller metal exterior window shutters are already provided on all windows and doors to ensure that the premises are safe and secure at all times.
- Ensure there is no overcrowding on the premises

b) The prevention of crime and disorder

- A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
- Clear and conspicuous notices asking people to behave in an orderly and respectful manner as they leave the premises
- Not selling alcohol to drunk or intoxicated customers.
- Staff and volunteers will be trained by the DPS and provided with training manuals for safe operation of the bar as well as Challenge 25 guidance and policy and guidance on use of illegal substances. Training will be reviewed every 12 months by DPS
- Training records are logged and full policy kept on premises and can be viewed by authority officials upon request

c) Public safety

- Internal and external lighting is already fixed to promote the public safety objective.
- Well trained staff and volunteers to adhere to environmental health requirements.
- Implementation of underage ID checks as per Challenge 25
- All parts of the premises and all fittings such as door fastenings, notices, lighting, heating, electrical, air conditioning, sanitary accommodation and other installations will be maintained at all times in good order and in a safe condition
- An incident log will be kept at all times
- Ensure that there is no over crowding on the premises

d) The prevention of public nuisance

- Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
- Deliveries of goods necessary for the operation of the business will be undertaken at such a time and in such a manner as to prevent nuisance and disturbance to nearby residents.
- Customers will be asked not to stand around talking loudly in the street outside the premises.
- Customers will not be admitted to premises beyond the limits of opening hours.
- The movement of bins and rubbish outside the premises will be kept to a minimum.
- Any lighting on or outside the premises will be positioned and screened in such a way so as to prevent a disturbance to nearby residents.
- Adequate waste receptacles for use by customers will be provided in the local vicinity.
- When providing entertainment in a marquee, regular checks of sound levels will be conducted and logged.

e) The protection of children from harm



*Continued from previous page...*

- As a well-established sports club we have a number of child protection policies in place:-
  - o Appointed and fully trained child welfare officer.
  - o A documented and robust child protection policy.
  - o A code of conduct for all club members and guests to ensure young people are not exposed to any form of discrimination, strong language or other anti-social behaviour. We have embodied these principles in our club constitution.
- A "Challenge 25" sign to encourage anyone who is over 18 but looks under 25 to carry acceptable ID i.e. a card bearing the PASS hologram, a photographic driving licence or a passport if they wish to buy alcohol.
- Training for staff and volunteers will be provided regarding the requirement for persons' identification, age establishment etc.

## Section 17 of 18

### NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

*Continued from previous page...*

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

**Section 18 of 18**

**PAYMENT DETAILS**

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

**DECLARATION**

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

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

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

Continued from previous page...

* Full name	<input type="text" value="Ian Cox"/>
* Capacity	<input type="text" value="DPS and Chairman"/>
* Date	<input type="text" value="02"/> / <input type="text" value="02"/> / <input type="text" value="2022"/> dd mm yyyy

Once you're finished you need to do the following:

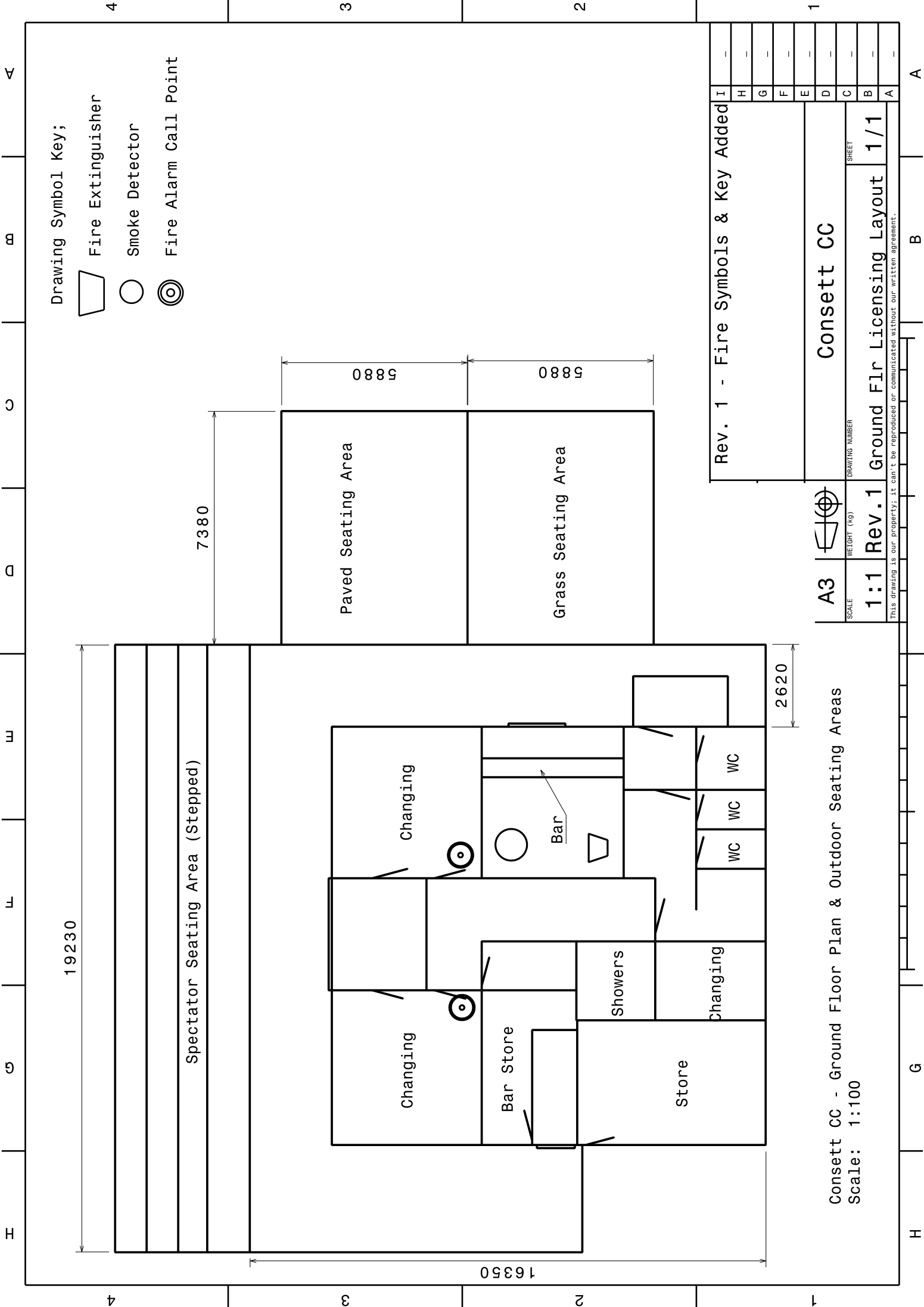
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/county-durham/change-1> to upload this file and continue with your application.

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

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

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="Consett Cricket Club"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

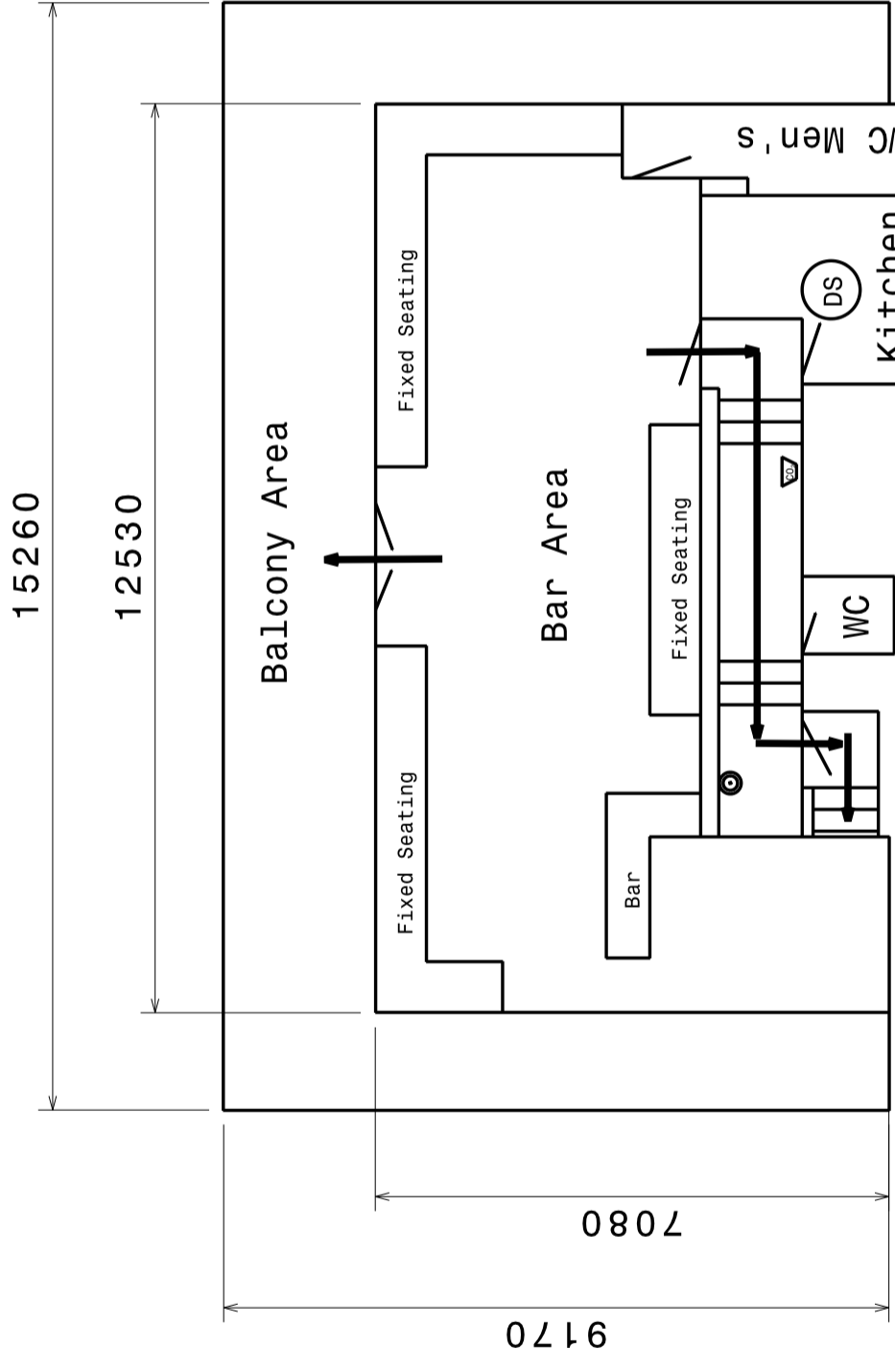


Consett CC - Ground Floor Plan & Outdoor Seating Areas  
 Scale: 1:100

SCALE	A3	WEIGHT (kg)		DRAWING NUMBER	Consett CC
SCALE	1:1	REV. 1	Ground Fir Licensing Layout	SHEET	1/1
Rev. 1 - Fire Symbols & Key Added					
This drawing is our property; it can't be reproduced or communicated without our written agreement.					

A B C D E F G H

4 3 2 1



- Key;
- Smoke Detector
  - ◡ Fire Extinguisher
  - ⊗ Fire Alarm Call Point

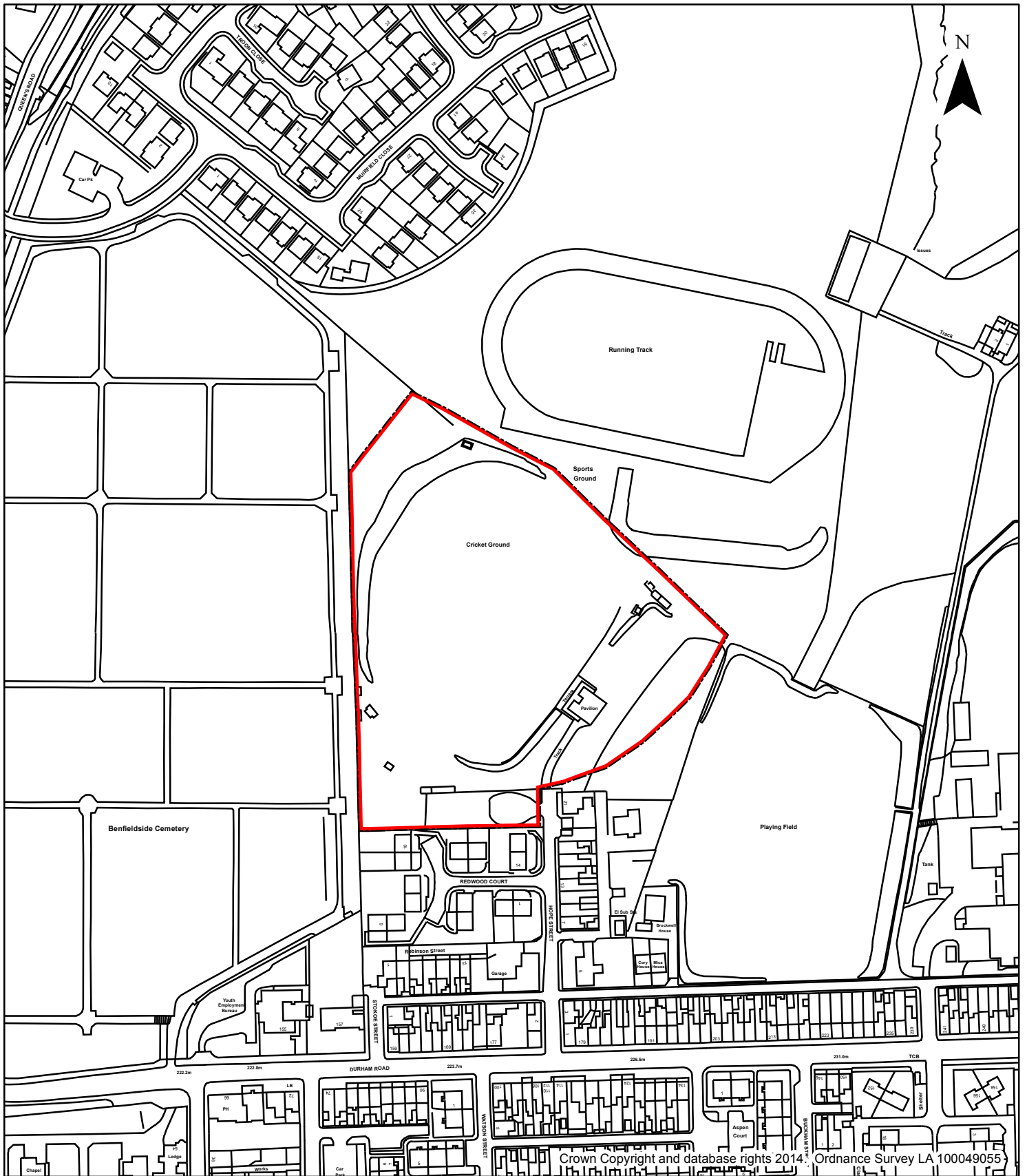
Exit Routes Marked With Arrows

Upstairs- Bar Area, Kitchen, Balcony & WC's  
 Scale: 1:100

Rev.1 - Fire Symbols & Key added		I	-
		H	-
		G	-
		F	-
		E	-
		D	-
		C	-
		B	-
		A	-

A3	Rev.1	Consett CC	
		DRAWING NUMBER	SHEET
SCALE 1:100	Upstairs Area Licensing Layout	1/1	

H G B A



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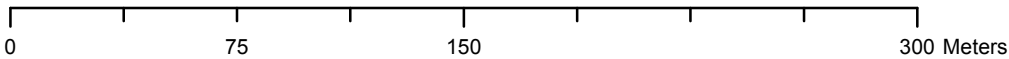
**CONSETT CRICKET CLUB.**

Scale : 1:2,500

Total Area Verged Red : 25734.79m<sup>2</sup>, 6.36 Acres, 2.573 Hectares.

Based Upon O.S Map : NZ1051

UPRN NO : n/a Plan Ref: ARC-14-220 Date: 01/08/2014



## Additional Information from Mr Cox – Consett and District Golf Club

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**From:** Ian Cox  
**Sent:** 22 March 2022 14:52  
**To:** Karen Robson  
**Cc:** John Hayes; Nicola Anderson; Paul Conroy  
**Subject:** Consett & District Cricket Club - DCCC/PLA0435  
**Attachments:** Redacted Durham Constabulary.pdf; Redacted Mr J Hayes Environmental Health.pdf; Redacted Premises Licence.pdf; Police:E Health Response.docx; Redacted Club Premises Certificate.pdf; Redacted Club Premises Certificate.pdf; Residents Letter 21:2:22.docx; CDCC Event Risk Assessment.odt

Dear Karen,

In response to concerns raised by Mr John Hayes and Sgt Caroline Dickenson, I have addressed their concerns in the documents attached.

I have copied in Nicola Anderson as she was our first point of contact when applying for the variation as well as John Hayes due to me having his e-mail address from the concerns he raised which I had been copied into. I have also copied in PC Paul Conroy as I met with him during the notice period to discuss concerns that the Police may have regarding our application and how best to move forward with regards to addressing them. I do not have a contact e-mail for Sgt Dickenson but trust that you will be able to ensure that the contents of this e-mail are made available for her to view at her convenience.

I would also like to address that during the 2021 cricket season, I did all that I could to open and transparent with the council and licensing authorities by initiating contact regarding covid compliance when first re-opening and had site visits from Paul Hays who inspected what we were doing prior to opening on Saturday 17<sup>th</sup> April and also had spot checks from designated officials at times when we were open. One of such occasions was on Saturday 29<sup>th</sup> May when one of the events referred to that took place under a TENS was taking place and they stated at the time after a full inspection of the premises that they were very impressed with how organised everything was. Unfortunately, I cannot recall the names of the two individuals who visited on that day but you may have some record as to who was rostered to be carrying out said duties on that given date.

I believe that at every stage, both the club and myself have welcomed feedback from residents and local authorities and have made valid attempts to rectify concerns, something that I have gone in to more detail about in the attachment - Police/E Health response. As a club, we are more than willing to make compromises to the submitted application based upon recommendations from local authorities and the feedback of our local neighbours and welcome any further questions or suggestions for us to be able to do this.

Thank you for taking the time to consider what I have prepared and what measures we are taking going forward.

Kind regards,

Ian Cox



Sorry that I haven't been in touch with you sooner regarding our premises license variation. I have been digesting the representations made by both Durham Police and Environmental Health as well as concerns raised by local residents.

The application was made under the guidance of licensing officer Helen Johnson, and she advised which conditions should be removed and which hours to apply for licensable activities.

The following were conditions that I was recommended to remove;

- **Prevention of Crime and Disorder** - Clear and conspicuous notices asking people to behave in an orderly manner as they leave the premises - We do however have large signage on the exterior of the building to address this as well as notices displayed inside the club, as a result, I'd have no issue with retaining this
- Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises - Due to our location this is not something we would consider doing anyway but again if it is felt it is better retained, then I am happy to do so.
- **Public Safety** - Compliance with fire safety requirements, Fire exits and equipment clearly marked, Staff being aware of H&S requirements, First Aid facilities being available - Was told these were not required items as part of conditions so had therefore removed them. We do comply with all of the above however.
- **Prevention of Public Nuisance** - The building is 'stand alone' and is far enough away to minimise noise - Was advised to remove this as this would not apply for occasional marquee events.

I did add in the section about prevention of public nuisance that while conducting any marquee events, that regular sound checks would be made and logged.

I have received an objection from the Police which was written by Caroline Dickenson. I have attached this alongside the two current licenses held by the club, our existing Club Premises Certificate and our existing Premises Licence.

Both the Police and Environmental Health make reference to the fact that as a club, we have removed the conditions about door supervisors and the idea of hosting Under 18 music lead events. This has been a massive error on my part when filling out the application form and copying up conditions from our existing Premises License. These are both conditions that I would wish to still have included and if it is possible to make an amendment at this stage then I would be delighted to be able to do so.

Despite the objections stating that mediation is not a recommended course of action, I am more than prepared to take feedback on board in order to demonstrate that in my role as DPS, that I take these concerns seriously and that we have no desire whatsoever to move the function of licensable activities away from the premises being a cricket club.

I was advised to apply for maximum licensable parameters for all of the licensable activities and will explain each section and why they were conducted as such;

- The observation about a vast increase in our opening hours is not actually the case. As a club, we are already licensed via our Club Premises Certificate to be open from 1100-2300 Monday to Friday and 1200-2230 on a Sunday. This has been the case since 2005 and we have never sought to maximise the full extent of these available trading hours. I merely applied for these opening hours in our variance relating to the Premises Licence to effectively bring the two licenses in line with each other. We will not be opening and encouraging people to drink from early hours of the day on a daily basis, this is merely to give us the flexibility to offer refreshments on the infrequent occasion that the club hosts a Durham County representative game or when any schools tournaments are staged at the ground. At this moment in time, the only scheduled instance of this is an Over 60's fixture taking place against Yorkshire on Tuesday 7<sup>th</sup> June. This is just to negate the need to regularly submit TENS for such occasions.
- The earlier opening times for weekends is due to junior matches being played on Saturday or Sunday mornings. We have no desire to be encouraging the consumption of alcohol at 10am on either of these days, and if there is not a junior game taking place on these days, the bar will have no reason to open. I just believed that it was better to be compliant with stated opening times than to be running a tuck shop style service during the playing of games from a serving area which also has licensable products and risk repercussions if any accusations were made that we are trading outside of our permitted hours. The early morning openings on these days are merely to sell soft drinks, tea, coffee and such things as hot dogs.
- The licensable activity of dancing - I was advised that as a result of music potentially being played that there is always a likelihood that patrons may choose to dance. To avoid all doubt, it was advised that this should be submitted as a licensable activity so that we would be fully compliant with regulations should patrons choose to decide to dance while at the premises and avoid any potential ambiguity around whether or not patrons were actually allowed to dance, despite the fact we as a venue aren't openly encouraging them to do so
- The provision of indoor sporting events - We currently have a darts team who play in a local darts and domino league which takes place on Tuesday evenings during winter months. I was advised that I should have this recorded as a licensable activity due to the fact it is taking place inside of our licensed premises. Due to the size of our premises, there are no other possible indoor sporting events that could take place and the frequency of these occurrences merely depends on the organised fixtures. At the moment the team plays no more than 12 home games per season with a maximum attendance of around 20 patrons at each.
- The provision of live music - Again, I was advised that it was best to apply for this in keeping with our applied for opening and serving hours. I can however see why some people would interpret this as being something that is suddenly going to happen all of the time but this is absolutely not the case. I am happy to revisit this and have different

timings in place for this. For example no live music is likely to be required Tuesday to Thursday or if it ever was maybe only indoors on an evening for a short period. It could be written in that although we could be allowed live music within the sound proof building on Friday, Saturday and Sunday evenings until midnight, that for the purpose of our very infrequent marquee events, that the music would finish earlier, as I would fully expect it to within an outdoor setting. A possible suggestion of 11pm on this but happy to take feedback on this matter. Could also happily revisit the potential start times in order to show that all day music events are not what the club aims to do. Very much open to suggestions on this point.

- The provision of recorded music - This was submitted as the same as the opening hours as when the bar is open, there will generally be some pre-recorded background or 'piped' music being played. This is very much background music set at conversational levels as opposed to the main feature of being open as most people enjoy a little background music to supplement their conversations. Again, I'm happy to take feedback on this but do not see this as a cause for concern myself in terms of nuisance or anti-social behaviour.
- The sale by retail of alcohol - Our current premises license already permits us to sell alcohol anywhere on the premises. This can be done via either the fixed upstairs bar or from any temporary bar set up on the premises. A temporary bar is not something that has been utilised on many occasions, only for the handful of marquee events we have had. However, by having a fixed serving point as per the variance submission, it gives us much greater control of regulated sales via fully trained staff in a controlled serving environment rather than a table top alcohol stand which is potentially open to abuse. This as per our upstairs bar is to be staffed by only trained staff or volunteers who are fully aware of correct serving practices, challenge 25 regulations and all other licensing objectives as stated to them via training from myself as DPS. In terms of this, because the submission sheet is very black and white, I was unable to suggest how this would be managed, however on any normal day, we would only propose that the downstairs bar be open until 2200. This is something that is reflected in my TENS submissions in 2021 as a result of comments made by Mr and Mrs Lidster regarding the noise complaint on a Friday evening. This however isn't something we would normally have expected to happen but owing to Covid guidelines making for exceptional circumstances, we had not been allowing the use of our inside bar at all at this point. Going forward, I would happily make it known that we have no intention to use the downstairs serving point any later than 2200 and would actively encourage patrons to be moved upstairs at the earliest possible convenience upon completion of any cricket match that has been taking place in order to minimise the risk of any noise disturbance to local residents.

I am fully aware of the concerns raised in relation to previous complaints. There was one dated February 2018, at this point I was not the DPS for the club and as such, believe that there was no official staff training documents in place, just that only committee members were permitted to serve behind the bar. Since becoming DPS, I have ensured that correct staff

training takes place and is adhered to and that no after hours use of the premises is to take place by making staff aware of the financial implications to both themselves and myself for misuse of the premises.

I fully believe that despite some mistakes, we have taken on board all feedback and will always continue to do so and are taking all reasonable measures to demonstrate that we are considerate of the needs of our neighbours and are more than happy to work with local authorities on all licensing matters and with the community also.

I reached out to the community via leaflets that I distributed which invited them to visit us at the club (see attached), sadly, no one attended. I also provided my contact details (e-mail and phone) so that anyone concerned could get in touch with questions that they would like us to answer. Only one resident took the opportunity to do this and I answered her questions as fully and honestly as possible.

The primary purpose of this premises is that of a cricket club and there is no want or desire to shift away from this purpose to become a 'town centre' style bar which encourages prolonged periods of alcohol consumption or any forms of anti-social behaviour.

As far as further matters go, we are installing a CCTV system at our own cost to enable us to monitor even more closely the behaviour of our patrons which will cover both our upstairs bar and our downstairs patio area. The CCTV has a recording capacity of up to 40 days. This also means that if there are any incidents reported by our staff, they can be reviewed by myself as DPS, and if further action is required then it can be taken or details of any incidents handed to the relevant authorities to be dealt with depending upon the severity of the incident.

Upon the recommendation of PC Conroy, I have also drafted a risk assessment sheet. This was suggested for any time we wish to host a marquee event so that we can pre-plan and inform the relevant authorities of what is proposed for the event and what measures will be put in place for any individual event such as; numbers in attendance, requirement for door supervisors, numbers of staff required etc. I have also attached that skeleton document for this.

I thank you for taking the time to read over my response to your concerns and will be more than happy to take any further questions or action deemed necessary to show that I am genuine in my actions to ensure we are fully compliant with all parties from the community to the various licensing bodies.



Dear Resident,

It has come to our attention that there was been some misinformation circulating regarding our recent licensing application. We understand that the recent communication has misrepresented our application and this is causing understandable, but unnecessary, anxiety regarding the license variation.

As you will all know we currently have an active license for the premises for which we are still compliant with the terms of, the recent license variation application is to ensure there is clarity regarding the activities within the cricket club, and is not an application to change the nature, frequency or type of activities we currently host.

We are a family friendly, inclusive and community minded sports club, which strives to ensure that the youth of the community have the opportunity to develop, enjoy sports and socialise together.

The licensed activities on the premises will remain predominately as fund raising activities which are infrequent and planned well in advance, with the experience of the local residents and the community at the forefront of our mind, alongside the current limited bar service.

There is no proposed change to the entertainment elements compared with our current license.

There will be no increased footfall, nor vehicles, accessing the premises, and the license variance which would allow us to open the bar earlier in the day is to cater for the isolated incidents whereby we host a cup match on a weeknight, but mainly to ensure that should the bar be open to sell soft drinks and sweets during the children's training that there is no concern that this contravenes our current license.

A brief overview of the highlighted concerns addressed on the blue sheet posted through your doors can be explained here;

**Noise Levels** – We do not plan to start hosting a plethora of outdoor events or plan to turn the club into a festival type venue. Our larger events will continue to be very small in number and these include such things as a family fun day.

**Antisocial Behaviour** – Upon consultation with the council when applying for our license variation, a number of combative measures were discussed to ensure that we do our part to prevent antisocial behaviour. We have listened to past feedback from residents and the council and as a result have ensured that events of some nature will not take place at the club at all going forward. A list of the measures we have proposed is incorporated in the license application itself.

**Traffic & Parking** – As we don't plan to open as a 7 days per week 'pub', the frequency of our deliveries will remain exactly the same. In summer months we have a dray once per month, on odd occasions twice dropping off kegs to the club as well as a once a week waste collection. Any other deliveries are likely to be in-keeping with continual effort to improve the facilities at the club. Visitors to the club will continue to use the car parks attached to the club at the top of Hope Street as they have done in the past as there is more than sufficient space when cricket games are taking place.

The full application can be viewed by sending an e-mail to [licensing@durham.gov.uk](mailto:licensing@durham.gov.uk). We encourage you all to read this in full if you are able to do so. Our Designated Premises Supervisor (Licensee), will be available on Sunday 27<sup>th</sup> February at 2pm to answer any questions local residents may have regarding the planned activities in the club and the rational for the licence variance application. A copy of the application will be available at the club for you to view on this date.

Alternatively, you can contact our DPS direct if you wish to ask any questions or seek clarity by sending your questions via an e-mail to \_\_\_\_\_ or contact Ian on \_\_\_\_\_

We continue to be open and honest regarding our license variance application and would relish the opportunity for you to join us to discuss any concerns.

We look forward to seeing you all soon.



## LICENSING ACT 2003 PREMISES LICENCE

**Premises Licence Number**  
**Granted**  
**Issued**

<b>DCCC/PLA0435</b>
<b>01 August 2018</b>
<b>19 October 2018</b>

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	<b>Issuing Authority</b>
<b>CONSETT AND DISTRICT CRICKET CLUB</b> HOPE STREET BLACKHILL CONSETT DH8 5TS	DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
<b>Telephone number:</b>	

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by this licence**

Live Music  
 Recorded Music  
 Sale by retail of alcohol

**Opening Hours of the Premises**

Mon	17:30-23:15	<b>Non-standard/seasonal timings</b> New Years Eve to 02.15 am on New Years Day
Tue	17:30-23:15	
Wed	17:30-23:15	
Thu	17:30-23:15	
Fri	17:30-00:45	
Sat	17:30-00:45	
Sun	13:00-23:15	

**Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales:**

ON ALCOHOL SALES ONLY

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

<p><b>Live Music Indoors</b>                  Fri 20:00-23:30                  Sat 20:00-23:30                  Sun 20:00-23:00</p>	<p><b>Further details</b>                  N/A</p> <p><b>Non-standard/seasonal timings</b>                  New Years Eve until 00.30 hours on New Years Day</p>
<p><b>Recorded Music Indoors</b>                  Mon 19:00-23:00                  Tue 19:00-23:00                  Wed 19:00-23:00                  Thu 19:00-23:00                  Fri 19:00-00:00                  Sat 19:00-00:00                  Sun 19:00-23:00</p>	<p><b>Further details</b>                  N/A</p> <p><b>Non-standard/seasonal timings</b>                  New Year's Eve until 02.00 am on New Year's Day</p>
<p><b>Sale by retail of alcohol</b>                  Mon 17:30-23:00                  Tue 17:30-23:00                  Wed 17:30-23:00                  Thu 17:30-23:00                  Fri 17:30-00:30                  Sat 13:00-00:30                  Sun 13:00-23:00</p>	<p><b>Further details</b>                  N/A</p> <p><b>Non-standard/seasonal timings</b>                  New Years Eve until 2am on New Years Day</p>

Part 2

<p><b>Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence</b></p>	
<p>CONSETT AND DISTRICT CRICKET CLUB                  HOPE STREET                  BLACKHILL                  CONSETT                  DH8 5TS</p>	
<p><b>Registered number of holder, for example company number, charity number (where applicable)</b></p>	
<p>Company no:</p>	<p>N/A</p>
<p>Charity no:</p>	<p>N/A</p>

<p><b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol</b></p>
<p>MR IAN COX</p>

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol**

**Annex 1 – Mandatory conditions**

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol -

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

The responsible person must ensure that –



(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### **Minimum Price of Alcohol:**

1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition:

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Mandatory condition: door supervision**

1. Where a premises licence includes a condition that at specified times one or more individuals

must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

2. But nothing in subsection (1) requires such a condition to be imposed-
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
  - (b) in respect of premises in relation to-
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section-
  - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## **Annex 2 – Conditions consistent with the premises Operating Schedule**

### **General**

Strong management controls through well established committee structure.

To provide effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to - No selling of alcohol to underage people

No drunk and disorderly behaviour on the premises area.

Vigilance in preventing the use and sale of illegal drugs at the bar area.

No violent and anti- social behaviour

Prevention of harm to children

Operating schedule providing the hours of operation and licensable activities during those hours. Designated premises supervisor to be in control of the premises and to provide training for staff on the Licensing Act.

Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers. Roller metal exterior window shutters are already provided on all windows and doors to ensure that the premises are safe and secure at all times.

Ensure there is no overcrowding on the premises.

### **Prevention of Crime & Disorder**

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices will be displayed warning of potential criminal activity, such as theft, that may target customers.

Clear and conspicuous notices asking people to behave in an orderly and respectful manner as they leave the premises.

Not selling alcohol to drunk or intoxicated customers.

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises. Staff and volunteers will be trained in the identification of illegal drug use in order to prevent such activity.

Staff will be trained in asking customers to use the premises in an orderly and respectful manner. Initial training will be carried by DPS or approved member of staff to ensure no alcohol is sold to anyone underage and refresher training to be carried out every 12 months.

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

Door supervisors will be required at the discretion of the premises or Durham Constabulary. If door supervisors are used an operational daily log must be kept documenting their information. This is to include full name, date of birth, full badge number, contact telephone number, security companies name and start and finish time.

### **Public Safety**

Internal and external lighting is already fixed to promote the public safety objective.

Well trained staff and volunteers to adhere to Environmental Health requirements.

Implementation of underage ID checks

All parts of the premises and all fittings such as door fastenings, notices, lighting, heating, electrical, air conditioning, sanity accommodation and other installations will be maintained at all times in good order and in a safe condition.

Compliance with fire safety requirements

Fire exits and fire equipment clearly marked.

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

First aid facilities will be available.

An incident log will be kept at all times.

To ensure that there is no over crowding on the premises.

### **Prevention of Public Nuisance**

The building is "stand alone" and is far enough away from properties to minimise noise. In addition, the nature of the construction is such that it is extremely sound proof.

Doors and windows will be kept closed whilst live music is being played.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of good necessary for the operation of the business will be undertaken at such a time and in such a manner as to prevent nuisance and disturbance to nearby residents.

Customers will be asked not to stand around talking loudly in the street outside the premises.

Customers will not be admitted to premises beyond the limits of opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum.

Any lighting on or outside the premises will be positioned and screened in such a way as to prevent a disturbance to nearby residents.

Adequate waste receptacles for use by customers will be provided in the local vicinity.

## **Protection of Children from Harm**

As a well established sports club, there are already a number of child protection policies in place.

Appointed and fully trained child welfare officer.

Documented and robust child protection policy

A code of conduct for all club members and guests to ensure young people are not exposed to any form of discrimination, strong language or other anti- social behaviour. These principles are embodied in the club constitution.

Verification of age - Safeguards to be in place to see that alcohol is not served to or purchased on behalf of underage children. A "Challenge 25" age verification policy is operated which requires anyone looking under the age of 25 to produce photographic evidence of proof of age from a passport, driving licence or PASS accredited scheme before any alcohol is supplied. The actions of staff operating the policy to be regularly monitored.

A "Challenge 25" sign to encourage anyone who is over 18 but looks under 25 to carry acceptable ID, i.e a card bearing the PASS hologram, a photographic driving licence or a passport if they wish to buy alcohol.

A proof of age policy in place for people under 25 years of age via the Challenge 25 scheme, this will also be displayed on the company's website.

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

Training of staff - all staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

Training for staff and volunteers will be provided regarding the requirement for persons identification, age establishment etc.

A refusal register will be kept and endorsed after every sale refused, this is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales)

The premises will not promote any under 18 music led events. This will not prevent the premises being hired out for private functions, which might include events at which children may be in attendance or events for children.

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

None

## **Annex 4 – Plans attached**

Attached



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

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## Appendix 4: Representations

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**From:** Caroline Dickenson  
**Sent:** 14 March 2022 10:01  
**To:** EHCP; AHS Licensing; Tracey Lock  
**Cc:** Licensed Economy Team  
**Subject:** FW: LICENSING ACT 2003 - APPLICATIONS RECEIVED - VARIATION OF A PREMISES LICENCE - CONSETT AND DISTRICT CRICKET CLUB HOPE STREET BLACKHILL CONSETT DH8 5TS  
**Attachments:** Variation App - Feb 2022.pdf; Ground Floor Plan\_1.3.pdf; Consett CC Upstairs (1).pdf; Plan Consett Cricket Club.pdf; IMG\_4866.JPG  
**Categories:** Karen, Yvonne

To whom it may concern,

Durham Constabulary wish to object to the application to vary the premises licence at Consett and District Cricket Club, Hope Street, Consett, Co. Durham under the prevention of crime and disorder, public nuisance and protection of children from harm licensing objectives. I have delegated authority from the Chief Constable of Durham Constabulary, a responsible authority under the Licensing Act 2003.

The variation proposes changes to the timings of licensable activities as well as the removal of conditions that relate to door supervisors and the advertising of events for persons under 18 years.

Durham Constabulary have the following concerns,

The variation proposes significant changes to the timings of licensable activities at the premises. Currently the general timings are evening based licensable activities through the week with longer periods of licensable activities on a weekend. These timings seem in keeping with the nature of the premises; primarily a sporting facility that is complimented by the addition of licensable activities. The variation proposes licensable activities (alcohol sales) throughout every day, commencing at 11am until midnight Monday to Thursday, 11am until 12.30am Fridays, with weekends commencing at 10am until 12.30am Saturdays and midnight Sundays. This equates to an increase in the sale of alcohol from around 50 hours to 94 hours per week; almost a 90% change. With that increase there is a likelihood of incidents of alcohol fuelled disorder and public nuisance increasing too. The safety of the public is paramount, and consideration must be given to not only patrons and staff but to those people whose homes are next to the premises.

Entry to and from the premises is via Hope Street, passing Redwood Court, Stokoe Street and Robinson Street. These are residential areas whose proximity to the premises and its grounds is very close. The variation proposes both indoor and outdoor regulated entertainment to be licensed over the entire grounds, as well as alcohol sales. This could lead to nuisance related complaints and have a detrimental effect on the quality of life of those residents and their families. Durham Constabulary have received 3 complaints from local residents about the premises namely,

1. At 11.52pm on Friday 11<sup>th</sup> June 2021 a local resident reported excessive noise coming from persons drinking in a beer garden outside of the premises
2. At 6.22pm on Sunday 30<sup>th</sup> May 2021 there was a silent 999 call made from someone at the premises however no requests were made for assistance and at 9.56pm that same day a local resident reported loud and drunken persons coming from an event at the premises who were urinating and vomiting in the street. A temporary event notice was in place at this time
3. At 12.52am on Sunday 18<sup>th</sup> February 2018 there was a report of loud music and noise coming from an event at the premises

Durham Constabulary fear that if there are already issues under the current licence and its conditions, the variation proposed may lead to much more disorder and nuisance. The local neighbourhood policing team have informed me

that local residents are also having to pick up discarded alcohol containers and suffer parking issues due to limited spaces at the cricket club. These issues are likely to increase with an increase in hours.

With that in mind the variation also proposes the removal of the condition *'Door supervisors will be required at the discretion of the premises or Durham Constabulary. If door supervisors are used an operational daily log must be kept documenting their information. This is to include full name, date of birth, full badge number, contact telephone number, security companies name and start and finish time.'* With what the applicant is proposing, to increased licensable activities to such a degree, I would argue that removal of this condition is counterintuitive. Surely there is much more of a need for SIA registered door supervision relevant to the total potential capacity and if anything, this condition needs firming up with suitable door staff numbers and ratios based on potential patron size and **not** at the discretion of the premises. Additional security is likely essential with the proposed outdoor activities as well as the control of patrons leaving the premises to give confidence to local residents and prevent issues such as those previously reported.

I have further reservations with this application with the proposed removal of the condition *'The premises will not promote any under 18 music led events. This will not prevent the premises being hired out for private functions, which might include events at which children may be in attendance or events for children.'* The applicant's intentions appear clear here and although there may indeed be a potential market for under 18 music events the potential risk to children at these events cannot be overlooked. We acknowledge the club has under 18 teams and that the venue may well be an ideal place to have music events for those groups however advertising to all means events come with significant security and safeguarding expectations and measures should be in place to combat potential alcohol fuelled behaviour, underage sales, proxy sales, 'gate-crashing' and criminal behaviour. Parents will need to be involved and a clear separation of those patrons unrelated to the event needs to be present. Advertising of such events can attract unforeseen problems for the premises.

Durham Constabulary concedes that due to the Covid pandemic, businesses have had to adapt and rethink their strategies to ensure a business in the hospitality sector is viable. We have agreed 7 temporary event notices over the past 10 months that allow alcohol sales (and reg entertainment) at the unlicensed downstairs bar and outside area with 6 of the TEN's terminating at 10pm. However, as mentioned a TEN was in place covering until 11pm on 30<sup>th</sup> May 2021 which resulted in two reports to police.

Finally, the variation appears to shift the premises type from that of a sporting facility to much more 'pub' like. Having checked the club's fixtures on their website I noted that actually cricket matches only take place on Saturdays and understand a need for licensable activities to accommodate spectators and visiting fans. However, their plans appear to be much broader than that of a sporting facility and with that, their premises licence and conditions will inevitably come with a greater level of responsibility and expectations. Their increased hours of business and freedom to run larger outdoor, non-sporting events as well as under 18 music events may affect local residents and as such Durham Constabulary cannot support this application.

Thankyou

Caroline

Sgt 484 Caroline Dickenson  
Licensed Economy Team Sgt  
Safeguarding Neighbourhoods Command  
Durham Constabulary

***Our Values & Vision:***

**Positive | Fair | Courageous | Inclusive | With Integrity**

Protecting Neighbourhoods, Tackling Criminals, Solving Problems

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**From:** Jonathan Rutherford

**Sent:** 25 February 2022 13:14

**To:** Helen Johnson - Licensing Team Leader (N'hoods) <[Helen.Johnson2@durham.gov.uk](mailto:Helen.Johnson2@durham.gov.uk)>

**Subject:** Consett & District Cricket Club Hope Street Blackhill Consett DH8 5TS

Hi, concerning the cricket club I have had a complaint from one of our volunteers regarding their application for changes in the licence. He states that several residents feel the same way and oppose the application due to the noise and ASB the club creates. He states that they are always picking up half full beer bottles, the people attending the club are urinating on fences and the parking causes issues for them with it being a one way in and out. He states that several resident cant email in to raise their concerns so I have told him I would email on their behalf.

Their concerns have been raised by our volunteer with Cllr Alex Watson. With regards to policing demand, in a 2-year period we have only had 2 jobs both of which were relating to noise asb and males urinating and vomiting in the street. Outside of that there have been no further issues that we were aware off.

Just thought I would drop you an email to let you know the concerns of the residents.

Jonathan Rutherford  
PCSO 8725  
Safeguarding Neighbourhoods Command  
Consett Police  
Durham Constabulary



*Delivering excellent policing inspiring confidence in victims and our communities by:  
Protecting Neighbourhoods  
Tackling Criminals  
Solving Problems*



# MEMO



To: Mrs Tracey Lock  
Licensing Services

From: Mr John S Hayes  
Neighbourhoods and Climate Change

Date: 3 March 2022

Re: **Licensing Application Variation**  
**Consett Cricket Club, Hope Street Blackhill Consett DH8 5TS**

With reference to the above licensing application received on 15 February 2022.

The application seeks to make the following changes to the current premises license:

- The addition of the provision of indoor sporting events- Mondays to Thursdays 1100hrs to 0000hrs, Fridays 1100hrs to 0030hrs, Saturdays 1000hrs to 0030hrs, and Sundays 1000hrs to 0000hrs.
- The addition of the provision of dancing- Mondays to Thursdays 1100hrs to 0000hrs, Fridays 1100hrs to 0030hrs, Saturdays 1000hrs to 0030hrs, and Sundays 1000hrs to 0000hrs, both Indoors and Outdoors.
- Varying the provision of Live music Indoors only from 2000hrs to 2330hrs Friday, Saturday, Sunday, and New Year's Eve into New Year's Day until 0030hrs; to Mondays to Thursdays 1100hrs to 0000hrs, Fridays 1100hrs to 0030hrs, Saturdays 1000hrs to 0030hrs, and Sundays 1000hrs to 0000hrs, with no change to the New Year's Eve into New Year's Day timing of 0030hrs, both Indoors and Outdoors.
- Varying the provision of Recorded music Indoors only from 1900hrs to 2300hrs Monday, Tuesday, Wednesday, Thursday, Sunday and 1900hrs to 0000hrs Friday and Saturday, and New Year's Eve into New Year's Day until 0200hrs finish; to Mondays to Thursdays 1100hrs to 0000hrs, Fridays 1100hrs to 0030hrs, Saturdays 1000hrs to 0030hrs, and Sundays 1000hrs to 0000hrs, with no change to the New Year's Eve into New Year's Day timing of 0200hrs, both Indoors and Outdoors.
- Varying the sale by retail of alcohol from 1730hrs to 2300hrs Mondays to Thursday, 1730hrs to 0030hrs Fridays, 1300hrs to 0030hrs Saturdays and 1300hrs to 2300hrs Sundays, and New Year's Eve into New Year's Day until

0200hrs finish; to Mondays to Thursdays 1100hrs to 0000hrs, Fridays 1100hrs to 0030hrs, Saturdays 1000hrs to 0030hrs, and Sundays 1000hrs to 0000hrs, for consumption on the premises which is marked on the plan as being the entire cricket club grounds, both indoors and outdoors. In relation to the sale by retail of alcohol and any seasonal variations the application requests New Year's Eve until 0200hrs on New Year's Day, which is as the current premises license.

- Current hours of opening to the public are 1730hrs to 2315hrs Mondays to Thursdays; 1730hrs to 0045hrs Fridays and Saturdays and 1300hrs to 2315hrs on Sundays, with New Year's Eve to 0215hrs on New Year's Day. The variation proposes, 1100hrs to 0000hrs Mondays to Thursdays, 1100hrs to 0030hrs Fridays, 1000hrs to 0030hrs on Saturdays and 1000hrs to 0000hrs on Sundays, with New Year's Eve to New Year's Day changing to 0200hrs.
- The variation is also proposing to remove the current requirement to provide door supervisors.
- The variation is also proposing to remove the current provision of not promoting any under 18 music led events.
- There are other proposed changes which are not considered to impact upon the licensing objective of prevention of public nuisance.

Following assessment of the application in relation to the prevention of public nuisance licensing objective I wish to make the following representation:

The requested variation is likely to lead to breaching the licensing objective of prevention of public nuisance; the premises is a cricket club, the grounds are within close proximity to a significant number of nearby sensitive receptors; whilst the club has had one or two events per year external to the clubhouse the current application would appear to be changing the nature of the cricket club from being a sporting facility to a premises exceeding what could be expected to be found within a town centre, particularly with the extension of times and the addition of outdoor areas for live/recorded music, dancing and alcohol consumption.

As the applicant is aware complaints have been received by Environmental Health, Durham Constabulary and indeed directly to the club itself in relation to noise and anti-social behaviour relating to events held under TENs in the past.

Access to the club grounds is adjacent to sensitive receptors who are likely to be caused nuisance from patrons accessing, dispersing and using the facilities.

Noise, particularly from outdoor music events will undoubtedly cause disturbance and nuisance to not only nearby residents but due to the nature of noise to residents at significantly greater distance, the applicant has provided no detail or suggestions as to how noise will be controlled, no noise management plan has been provided which would detail specific controls that will be incorporated to manage noise from both music and patrons.

Previous complaints have described the intrusion of noise from music intruding into homes and preventing the occupants from enjoying watching the television; anti-social behaviour has included patrons allegedly urinating and vomiting close to resident's homes. The removal of the provisions relating to door supervision staff and not promoting events to under 18-year-olds is likely to lead to an increase in such antisocial behaviour.

Advice which has been provided to the applicant, previously, in relation to control measures and contacts for noise consultants does not appear to have been considered in relation to this application to vary the premises license.

In conclusion the granting of this application to vary the premises license is objected to under the licensing objective of prevention of public nuisance, at this stage I do not consider mediation to be appropriate and would suggest that a hearing should be held by the Licensing Committee in order to make a determination.

  
John Scott Hayes MCIEH  
Principal Public Protection Officer  
Community Protection Service

# MEMO



To: Mrs Tracey Lock  
Licensing Services

From: Mr John S Hayes  
Neighbourhoods and Climate Change

Date: 22 March 2022

Re: **S6 NOTICE OF HEARING - Monday 4th April 2022 at 09.30am - County Hall, Durham DH1 5UL - Consett Cricket Club, Consett, Co Durham - Variation of a Premises Licence**

With reference to the above S6 Notice of Hearing, I wish to provide additional information to the representation made on behalf of the responsible authority for the prevention of public nuisance.

In addition to the concerns raised in the letter of representation, dated 3 March 2022, the following information is provided to give weight to the concerns relating to noise, anti-social behaviour and general concern with regard to the lack of confidence in the club's ability to effectively manage the requested changes to the current license:

- On 19/02/18 the police referred a request to the licensing authority in relation to complaints received on 18/02/18 about noise from a party at 0052hrs; the noise related to music and shouting; the event was found to have been unlicensed, as the club did not hold a premises license at the time, the license held was a club premises certificate (CPC), the club was not following the terms of their CPC.
- On 22/07/19 a complaint from a member of the public was received in relation to loud music from an event in the marquee.
- Over the weekend of 29/05/21 and 30/05/21 the club held two events, a complaint, supported with noise recordings, was received in relation to excessive noise relating to the event held on 30/05/21, the complainant also advised that there was noise and anti-social behaviour from the patrons, some of whom were observed urinating and vomiting near the complainant's home. The complainant also advised that they had witnessed substance abuse by patrons. These issues were also reported directly to the club.
- On 18/06/21 the club was found to be in breach of several of the requirements of their premises licence which was issued in 2018.

Consett and District Cricket Club have only held a premises license since the summer of 2018, as with many other businesses, they were unable to operate for a significant period of the intervening years, yet the Club has managed to generate a significant number of complaints relating to noise and anti-social behaviour; confidence in the management's ability to operate under the present licensing terms is low and I have serious concerns in the club's ability to manage the changes that have been requested within the variation.

As advised, there are a significant number of residential properties within close proximity to the premises, which is seeking regulated entertainment inside and outside, given the scale of the premises the occupancy will be above 499 patrons, meaning that all entertainment will be regulated. Access to the premises passes residential premises on Hope Street, Redwood Court, Stokoe Street and Robinson Street; noise from outdoor music events will have a significant impact upon residents further afield and the nearby residents will be impacted by noise and anti-social behaviour.

/ John Scott Hayes MCIEH  
Principal Public Protection Officer  
Community Protection Service

**From:** e .lidster

**Sent:** 21 February 2022 08:18

**To:** AHS Licensing <[Licensing@durham.gov.uk](mailto:Licensing@durham.gov.uk)>

**Subject:** Objection re variation of license DCCC/PLA0435 for Consett Cricket Club

Hi

Please find attached our objection against Consett Cricket Clubs variation of license application

I will also send a hard copy of the objection by post.

Regards

T & S Lidster

**Re: Application to Variation of license for Consett Cricket Club DCCC/PLA0435**

Personal Statement objecting to application:

We have lived at Hope Street which is approximately 40 -50 metres away from Consett Cricket Club for over 20 years without any issues.

The cricket club have always had entertainment within the clubhouse which was well organised and noise was not an issue with doors and windows closed. Once a year they had a marquee event with a barbeque and music. The music was sometimes loud but as an annual event we accepted the disturbance.

Problems have only occurred since 2019 when marquee events have become much more regular. Noise levels have become unbearably loud together with unacceptable levels of anti-social behaviour from both men and women urinating, vomiting and taking substances around our property. Under-age drinking was also very prevalent at events with young boys and girls bringing alcohol into the cricket field grounds hiding bottles and cans in the bushes and coming in and out of the venue to drink their own alcohol becoming increasingly intoxicated during the night. We often pick up bottles and cans in and around our property after an event.

Events held since 2019:

- 19<sup>th</sup> July 2019 – complained to the cricket club and Environmental Health regarding the excessive noise levels. *Copies of emails should be recorded on DCC records, if not then we have copies of all correspondence.*
- 29 February 2020 - complained to the Cricket club and Environmental Health regarding the excessive noise levels, anti-social behaviour and underage drinking. We were advised to download Sound app in the future to record sound levels. *Copies of emails should be recorded on DCC records, if not then we have copies of all correspondence.*
- 29 & 30 May 2020 - - complained to the Cricket club, Environmental Health, Licensing and Consett Police regarding the excessive noise levels, anti-social behaviour, substance misuse and underage drinking. We recorded several sound levels as advised by EH and forwarded them to DCC and were informed that they greatly exceeded permitted levels. *Copies of emails should be recorded on DCC records, if not then we have copies of all correspondence. We have a Police incident number 8725.*

- 12<sup>th</sup> June 2021 – complained to Cricket club and called the police because of excessive noise from the outside patio area at 1am after permitted licensing hours.

**Many further events were planned but had to be cancelled because of the Covid restrictions and the lockdown.**

We have spoken to Cricket Club representatives on several occasions about our concerns and have received apologies with promises that it will not happen again with noise kept to acceptable levels, stricter control of under-age drinking and anti-social behaviour but unfortunately these have always been false promises and the same issues happens again and again.

**Our main concerns regarding the Variation of licensing application:**

- Extended sale of alcohol from morning to evening leading to more underage drinking and anti-social behaviour.
- Outdoor live music blasting throughout the day and night at intolerable levels.
- Anti-social behaviour and violence increasing because of the increased drinking hours
- Increase in vehicles parking along Hope Street causing obstruction to Fire Brigade / ambulances trying to gain access to properties in Hope Street or to Aged Persons bungalows adjacent to the Cricket field
- Increased traffic flow with cars and taxis speeding along Hope Street during day and night causing danger to pedestrians and young children playing outside their properties.

I must emphasise that this venue is a Cricket club and it appears that the present committee are trying to create a nightclub culture in a residential area rather than organising family fun events to raise their necessary funds which is far better for our local community.

This area consists mainly of older residents in disabled bungalows in very close proximity to the cricket club pavilion. Residents have suffered massive noise disturbance and anti-social behaviour because of the cricket club events and some are so intimidated by the noise and anti-social behaviour they are too frightened to leave their houses when events take place.

We have no doubt if this Variation application is approved then these problems will become significantly worse impacting on the health and wellbeing of this local community.

**We can also add that it appears that the work at the Cricket club which has created a ground floor bar with toilets within the pavilion is unauthorised and has no Building Regulation approval.**

Regards

Mr & Mrs Lidster  
Hope Street  
Consett  
DH8 5TS

**From:** e .lidster

**Sent:** 09 March 2022 12:38

**To:** AHS Licensing <[Licensing@durham.gov.uk](mailto:Licensing@durham.gov.uk)>

**Subject:** FW: Objection re variation of license DCCC/PLA0435 for Consett Cricket Club

Hi

I refer to our previous complaint.

We would like to add another comment if possible:

We have no objection to the use of the recently constructed downstairs bar and patio area if the existing hours are maintained

T & S Lidster

Hope Street,

Consett,

Co Durham

DH8 5TS



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**From:** R Scudder  
**Sent:** 03 March 2022 09:47  
**To:** AHS Licensing  
**Subject:** DCCC/PLA0435

**Categories:** Karen

With regard to the proposed licensing application of Consett Cricket Club, Hope Street.

I live with my wife, who is disabled in Redwood Court, DH8 5UW. This is directly adjacent to the cricket ground.

We are extremely concerned with this application on the following grounds.

Already the club hold a few "live" events each year. The effects just from these has a very negative impact on us, and our neighbours.

Redwood Court is part of Karbon Homes and is for the over 50's, many of whom are disabled and extremely elderly. Currently when the Cricket Ground has an event the noise is very loud and disturbs us. The thought of having more events is a frightening prospect even leaving us to think about moving.

When there are events on we encounter the following problems.

-Difficulty getting in and out of the Close due to cars being parked all over. I myself have been blocked in on a number of occasions. There is drop kerbs and "keep clear" markings. However these are ignored and treated as "personal" parking spaces. My wife and other residents need to use wheelchairs making it impossible to get out.

-Due to the way cars park emergency services have struggled to access the residents.

-Hope street, which we have to drive into to get out is a very narrow road with a lot of residents parking and garage cars parked. Those coming into or out of the cricket ground normally drive along Hope Street far too fast for the conditions. It is bad enough trying to get our own cars out without getting hit. Also as a pedestrian you are forced to walk in the road due to the way cars park.

-Noise levels. When there is an event on we cannot hear the radio or TV in our home due to the "thumping bass sounds". Sleeping through this is impossible which has the effect of making my wife's condition even worse.

-Anti social behaviour. Currently this is a problem and increase in the sale of alcohol and more events would escalate this problem. Many a time, groups of people use the Close as a shortcut, being loud, vulgar and using our buildings as a urinal. They will drop over the cemetery wall to try to save a short walk. this is a 6 foot height on our side with a 10foot plus drop the other. How long before someone gets seriously injured?

We ask that this application is not granted due to the above. As stated the adjacent homes are for elderly and disabled residents, many of who would not even understand how to object to this application.

Yours

Mr and Mrs Scudder

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**From:** Looney  
**Sent:** 13 March 2022 23:28  
**To:** AHS Licensing  
**Subject:** DCCC/PLA0435

**Categories:** Karen, Yvonne

Good Evening,

Having read the residents letter, the licensing application and contacted Ian at Consett Cricket Club direct and mulling over this for a number of weeks I feel I need to give my reasons for my objection to the change to licence.

Last year was the first time I had visited the club as a cricket spectator as we had a friend playing for the opposition and have enjoyed watching a family member playing the children all stars cricket event, I can see how this will help bring people together to enjoy the sport and indeed promote future stars.

However I feel that the club has indeed let the residents down as rather than being "the hub" of our community I feel that not much consideration has been taken for the fact that the club is based in a residential area, predominately housing elderly residents and rather than bringing the community together has indeed created a huge divide.

Having lived at the end of Hope Street for 14 years it is only the last few years that I have noticed an increase in activity outside of our home due to more social events at the club and a definite increase in night time disturbance.

We can often find we are unable to park outside of our own home if there are any planned "family events", I appreciate the club has its own car park but this is often more than half full to start with as it is being used by cars/vans which are at Hope Street Garage. I have complained to the club about this in the past as I was once unable to leave my drive, I didn't get much of a response and since built an extension so we no longer have a drive to block so this is no longer an issue.

Having built the extension in the winter of 2018 once the cricket events started in 2019 we had a number of disturbances from people leaving the club on an evening. On several occasions we have had people sitting on our new kitchen window sills "waiting for lifts". When these lifts do arrive they are often a certain sort of car with a certain sort and volume of music.

We often have people banging on our front door and windows as they pass, lifting up our car window wipers and we regularly have to pick up bottles, cans and glasses from our front garden which have been thrown over as people are passing.

We haven't complained direct to the club about any of this as we guessed that once revellers leave the premises then they are no longer their concern.

We have though added CCTV to the front of our house so I can use the "talk" function to ask people to move on as my husband works away from home and it is rather intimidating being home alone and I certainly would not be outside asking people to show some consideration and to move on.

However I felt I had no other option but to complain about one particular event as I felt it had attracted the wrong crowd, this was a DJ event a couple of years ago and as mentioned as we are

at the end of the street people were loitering waiting for taxis and lifts, on this night I witnessed drug taking, a man urinating against a neighbours front door and indeed a high level of shouting, singing and yob like behaviour by all hovering around.

So in short, I don't think any of my current complaints will disappear as we do indeed live at the exit of a road that holds regular social events, however I am worried that they may become more frequent if the change goes ahead.

I also have a real worry as my children are older now, age 8 and 10 that as they enjoy playing in the street on their scooters and roller boots in the summer and that as I no longer have to be outside supervising every move, that people visiting the club during the day can often be driving at speed, especially whilst leaving the club, could this increase? Possibly?

If there was another way of people exiting the club and indeed leaving the street I would support the change as we do intend to visit again this year and enjoy the club but I do feel what they have now is enough, I'm not sure longer opening times therefore longer serving hours are needed for what this type of club is used for in the first instance, cricket events, not a pub/club.

I hope you can appreciate our objection as a concerned resident.

Mr                    and Mrs                    Looney  
  Hope Street  
Blackhill  
Consett  
Co. Durham  
DH8 5TS

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**From:** C H  
**Sent:** 12 March 2022 21:58  
**To:** AHS Licensing  
**Subject:** DCCC/PLA0435

**Categories:** Karen, Yvonne

I wish to lodge an objection to the above variation of license application for Consett Cricket Club at Hope Street Blackhill

I have lived on Durham Road for 21 years and they held annual family fun days, which brought the inconvenience of cars parked everywhere including over my driveway gates on one occasion.

The last few years has seen an increase in special events , music nights , nights in marquee these have brought numerous issues , the excessive noise till very late at night , especially seen as a marquee has no sound proofing When the night comes to an end , the noise and disruption of the patrons leaving on foot , waiting for taxis on Street corner or out front , on occasion sitting on my front wall which is very intimidating . They often use my back garage doorway in Robinson Street as a urinal when these events have taken place. These things are bad enough for one off events .weeks / mints apart

I'm concerned that if this license is granted it will lead to regular beer & music festivals , that they will also hire out the marquee to 3rd parties leading to more noise and disruption . The elderly residents living in Redwood court must suffer even more disruption from the noise than I do and I feel the added likelihood of more cars inconsiderately parked while events are held will lead to possibly obstructing emergency vehicle access to these vulnerable residents .

The cricket club has a car park which even on days when no events are been held have very few spaces as Hope Street garage uses it .

Why do they need an earlier morning licence to run kids clubs , training sessions , alcohol does not have a place at either event , hold a " tuck shop ' on table in front of bar , although I would have liked to think they would be promoting a healthy diet , no sweets /pop !!

Any increase in license hours is for possible opportunities to raise revenue therefore leading to increase in traffic / footfall through a residential area. To allow this to happen late every evening or even every weekend when nearby residents have to get up for work the next day is not ideal

I for one would like to be able to sit in my garden during summer evenings without a background " boom boom base noise "

It's been bad enough the few large events they've had on in last few years , I know neighbors that have actually gone into the grounds and complained , they've been made to feel like spoilsports , I seriously do not believe any of these committee members would be wanting this on their doorstep every weekend .

I ask the licensing department to please take Into account this area is predominantly residential with alot of elderly / vulnerable residents , at times residents themselves have enough parking issues without an increased traffic flow .The noise disruption and possibly intimidating behaviour of inebriated patrons leaving the venue are all great concerns

Thank you  
C

Hope Street  
Consett  
Co Durham  
DH8 5TS

Dear Sir/madam

Re: Variation of License (DCCC/PLA0435) AT Consett Cricket Club

I refer to the above variation of license application at Consett Cricket Club and must strongly object.

I have lived at the above address for 75 years and have never experienced any issues with Consett Cricket Club until the last 2-3 years when marquee events have become more regular.

When outside events such as marquees are held then the noise is so loud that I am unable to listen to my television, relax or sleep in my own home even with all my doors and windows closed.

There are also major problems with anti-social behaviour at these events with people who are attending coming in and out of the venue, banging on doors and windows along Hope Street. They also bring alcohol out with them leaving bottles, glasses and cans all littered along the street on mine and neighbour's doorsteps.

Vehicular traffic going in and out of these events is also a major problem with many drivers speeding along Hope Street with no consideration of children playing or old people coming out of their properties.

Parking can also be an issue with vehicles parking on both sides of Hope Street obstructing Emergency vehicles trying to access the old persons bungalows.

I am the neighbourhood watch coordinator in the area and I regularly speak to the residents of the old people's bungalows at Redwood Court next to the Cricket Club. The residents are very concerned about the noise, anti-social behaviour and are so intimidated when events are held, they are frightened to come out of their properties.

**In conclusion, if the application is granted all the above problems will increase significantly and living in this lovely neighbourhood will become unbearable.**

Yours Sincerely

K Whittaker

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**From:** J Martin  
**Sent:** 24 February 2022 15:11  
**To:** AHS Licensing  
**Subject:** DCCC/PLA0435

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Karen

Hi,

I have been made aware from concerned neighbours that the licensing department have been asked for an extended new licence for Consett Cricket Club, Hope Street.

I live in Muirfield Close on the links estate Blackhill just down from the cricket club.

When live events take place at the club it already impacts us as we can clearly hear the beat of the music and loud voices. At present this doesn't seem to go on for too long and usually just on a weekend but looking at the proposed new times this is concerning, especially during the working week.

Also, with allowing drinking hours to be so long it is just asking for anti social behaviour and is just making money for the club and brewery with no thought for people living nearby and this kind of thing ruins people's lives.

If people cannot fulfil their drinking needs during the current opening hours then perhaps they need to be referred to Alcoholics Anonymous for help rather than the council helping to fuel their addiction.

Regards,

J Martin

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**From:** L Lavery  
**Sent:** 08 March 2022 22:02  
**To:** AHS Licensing <Licensing@durham.gov.uk>  
**Subject:** DCCC/PLA0435

I am writing in response to the proposed extended license Consett cricket club on Hope street Blackhill has applied for

I live in a small estate of Bungalows which is adjacent to the cricket Ground. The estate has predominately Elderly, Disabled and Vulnerable residents. I have a number of chronic illnesses and disabilities & my elderly mother who is 80 lives next door and is also in poor health. The estate and surrounding streets have always been a quiet residential area.

When the cricket club started hosting live music events etc. we began to experience increasing levels of noise, anti-social behavior, dangerous parking and complete disregard for people's property and vehicles.

The events and live music nights that have they have had so far were supposed to finish between 11pm – 12.30am but they rarely did. Please also bear in mind the open-air setting of the grounds means the noise and music volume is carried a lot further. When things do finally wrap up it can then be another hour or more before everyone has left the area. With the new proposed license & extended opening hours the problems we as residents are facing are only going to get worse.

We received a letter from the club stating that there seemed to be some confusion as they would not be holding regular late night events and the main reason they wanted to extend the license was so they could have the bar open all day when they were hosting children's training so they could sell "soft drinks and sweets" and for the "isolated incidents" when there was a cup match on a week night etc.

I have no concerns with them hosting matches / kids training /family fun raising days and all the other cricket related events they have always had in the past but the poster that was originally put up announcing the new license application and the extended opening hours led people to believe they were planning on holding a lot more late-night live music events. So, I would just like to clarify what exactly it is they are applying for

I understand this all may be a miss communication, but I wanted to put my concerns in writing in case there were any further problems with anti-social behavior etc. in the future. I hope you will take seriously the concerns of local residents.

Thank you

L Lavery

Redwood court

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**From:** P Reed  
**Sent:** 01 March 2022 11:51  
**To:** AHS Licensing  
**Subject:** Ref. DCCC/PLA0435 - Consett Cricket Club

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Karen

Dear Sir/Madam,

I have been made aware that Consett Cricket Club have applied to have their licence hours extended. I believe that this will also extend the permitted duration of live music events that are held out of doors.

Whilst I have no objection to live music (in fact I love it!) previous events have caused some noise disruption late into the night that is a problem for residents living nearby, particularly those with small children and pets. There has also been more serious disruption caused to those residents in Hope Street, Durham Rd and other nearby streets by people leaving the events. This has taken the form of intoxicated people making excessive noise and using foul language. When challenged they have been both abusive and caused damage to property.

I feel that the licensing hours already in place for Consett Cricket club are sufficient and that further action needs to be taken by them to ensure that the noise and conduct of attendees is managed better than it has been in the past. I repeat that I have NO OBJECTION to events being held by Consett Cricket Club but I DO OBJECT to those events finishing any later than they have done in the past. Therefore I object to their application.

Best regards.

P Reed  
Links Drive  
Consett  
DH8 5XD.



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## **Appendix 5: Responses from Responsible Authorities**

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**From:** Daniel Thompson  
**Sent:** 18 February 2022 13:47  
**To:** Tracey Lock  
**Subject:** FW: LICENSING ACT 2003 - APPLICATIONS RECEIVED - VARIATION OF A PREMISES LICENCE - CONSETT AND DISTRICT CRICKET CLUB HOPE STREET BLACKHILL CONSETT DH8 5TS  
**Attachments:** Variation App - Feb 2022.pdf; Ground Floor Plan\_1.3.pdf; Consett CC Upstairs (1).pdf; Plan Consett Cricket Club.pdf; IMG\_4866.JPG

Good afternoon

I can confirm that the fire authority have no comments or concerns regarding the application.

Many thanks,

Danny

**Danny Thompson GIFireE**  
County Durham and Darlington Fire and Rescue Service  
**Senior Business Fire Safety Officer**



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**From:** Public Health  
**Sent:** 22 February 2022 12:51  
**To:** Helen Johnson - Licensing Team Leader (N'hoods)  
**Cc:** Tracey Lock; AHS Licensing  
**Subject:** RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - VARIATION OF A PREMISES LICENCE - CONSETT AND DISTRICT CRICKET CLUB HOPE STREET BLACKHILL CONSETT DH8 5TS

Dear Colleagues

I have received an application to vary a licence for the establishment: CONSETT AND DISTRICT CRICKET CLUB HOPE STREET BLACKHILL CONSETT DH8 5TS

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

My Ref: PH/2021/0156

Kind Regards,

Emily Coleby

Business Support Apprentice – Public Health Team  
Procurement, Sales and Business Services in Resources  
Durham County Council  
County Hall,  
Durham,  
DH1 5UJ

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## **Appendix 6: Statement of Licensing Policy**

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**7.1 The Prevention of Crime and Disorder** - Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment can, if not properly managed, become a source of public nuisance, generating crime and disorder problems. **The council expects** all licensed premises to be properly managed at all times to prevent this from happening and will focus attention on standards of management practice at licensed premises when carrying out its administrative and enforcement functions.

**The council encourages, and will look positively on,** the provision by licensees of comprehensive and documented staff training. Documented staff training conducted in respect of:

- Preventing underage sales
- Minimising drunkenness
- Managing and resolving conflict
- Emergency procedures
- Compliance with the licence conditions
- Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol
- Identification and refusal of underage sales
- Use of accredited training courses and recognised industry qualifications (e.g. BII)

**The council expects** 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, a marquee, in a smoking shelter etc.

The **council expects** all applicants to 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.

**The council recommends** that procedures to deal with drunken customers, violence and anti-social behaviour, in and outside premises, and the provision of closed-circuit television in certain premises should be considered by applicants, licencees and event organisers when addressing this issue.

**The council encourages** personal licence holders to actively participate in established "Pubwatch" schemes, where issues relating to crime and disorder can be addressed. **The council encourages** involvement in the "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.

**The council recognises and promotes** effective and responsible management of all licensed and authorised premises through competent, efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice,

such as 'Challenge 25'. These are amongst the most important control measures for the achievement of all Licensing Objectives.

**The council will take a positive view** of anyone who invests in appropriate training, and nationally accredited qualifications tailored to the licensing sector. Training records should be kept available for inspection by relevant enforcement agencies as a matter of good practice.

It is important that qualified and competent people are present who can discuss any problems or matters of concern arising from the licensable activities at or near to the premises with officers from DCC Licensing Services and Police.

**The council also 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 are 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.

**Maximum occupancy:** When its discretion is invoked, the council 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 premises or event. Any such decision will be based on the nature and style of the operation.

The council will consider information provided by the applicant and any other body (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.

**Security:** 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. 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 as well as the hours of trading.

**Toughened/Safety Glass:** 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 especially to any premises associated with a higher risk for potential crime and disorder. This will be particularly

relevant for high-volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues.

The council and several of its partners have signed a collective new pledge as part of an ongoing campaign to eradicate single use plastics. The agreement commits all signatories to significantly reduce, and work towards ultimately removing, the use of unnecessary single use plastics from their operations. If alternatives to normal glass are used, the use of suitable alternatives, including non-single use plastics, is encouraged.

**Drugs/Knives/Weapons: The council 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 or consumed within the premises to prevent tragedies and harm because of drug misuse.

**The council will expect** licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The council 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.

In addition to the information provided above, **Table 1 in Appendix VI** provides recommendations, suggestions and examples for how to prevent the specific crime/disorder outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

**7.2 Public Safety** - 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 and people in the immediate vicinity who may be affected by the premises and activities taking place therein.

Applicants are advised to seek advice on such matters from the council's occupational health and safety team, Health and Safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service. They should incorporate any recommendations from these responsible authorities in their Operating Schedule before submitting their applications. Matters for consideration include:

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

In addition to the information provided above, **Table 2 in Appendix VI** provides recommendations, suggestions and examples of how to prevent the specific dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.



**7.3 Prevention of Public Nuisance** - 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 near the premises.

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 **council 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.

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 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 or appropriate signage requesting customers to consider residents and monitoring of such areas by staff.

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 authorisations will often be required from the Highways Authority. Enquiries concerning such consents should be made to the Council's Highway's Section (see Appendix III). In predominantly commercial areas, such as shopping centres, 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.

**Applicants should consider** 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 council 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

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.

**Applicants are advised** to seek advice from Durham County Council's Environmental Health team and incorporate any recommendations in their operating schedule before submitting their applications.

**Takeaways and fast-food outlets - The council 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 display notices advising customers of the location of bins and patrons should be encouraged to use the bins made available.

**Important note: The council considers that it will be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises (“takeaway” premises).**

Takeaway premises are often open late at night and in the early hours of the morning. They can be associated with disorder as people under the influence of alcohol may congregate outside takeaways after leaving or in some cases having been ejected from late-night licensed premises.

Takeaways operate within the night time economy but without the same framework around them, e.g. pubwatch, use of security staff etc. In addition, alcohol sold from takeaways could readily be consumed in public spaces and may not be subject to the same controls associated with other types of licensed premises.

From a health perspective, obesity levels are rising nationally and locally; without action the health of the population will continue to suffer. Responsible licensees can support the ‘Working toward a healthy weight in County Durham’ goals and the council would see the following steps as a contribution to reducing health harms and health inequalities:

- Menu to display calories per portion information for all food offers.
- Menu to offer at least one clear and stated, 'healthy option' and to be priced competitively.
- Menu to display recommended daily calorie limits for adults (For women the recommended limit is 2,000 calories a day for men it's 2,500).
- Menu to offer smaller / half portions.
- Salt and pepper available upon request rather than always on the table

In addition to the information provided above, **Table 3 in Appendix IV** provides recommendations, suggestions and examples of how to prevent the specific nuisance type outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

**7.4 Protection of Children from Harm** - 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). The Secretary of State's Guidance to the Licensing Act 2003 also makes clear that the authority must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

While the Act does not prohibit children from having free access to any licensed premises, the council 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. 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.

**The council will 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. **The council will also expect** any licence holder who wishes to hold events for children to provide it, and the Police, with a detailed risk assessment of that event including how the event will be managed, staffing levels for the event and how any child will be prevented from being exposed to any harm.

**The council will give considerable weight** to representations about child protection matters particularly from the Local Safeguarding Children's Board who act as the responsible authority under the Act for matters relating to child protection. 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 council, 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 will be considered. The council will 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, the council will also consider what conditions may be appropriate to ensure that this objective is promoted effectively.

The council 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.

**The council will expect** all licence holders or premises, that wish to allow children on to their premises, to ensure that access is restricted where appropriate. This could include ensuring that all children are accompanied and that they do not have access to, or sight of, alcohol. **The council will 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 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.

The council recommends that retailers of alcohol ensure that their staff are properly trained in all aspects of responsible retailing, including the sale of alcohol and age restricted sales. The Council fully endorses and promotes knowledge of and adherence to Challenge 25 within the retail business sector.

Further advice and information on age restricted sales and training can be found by contacting Durham County Council's Trading Standards service at [trading.standards@durham.gov.uk](mailto:trading.standards@durham.gov.uk)

The council 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. We know alcohol is harmful to the health of children and young people whose minds and bodies are still developing.

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.

The council is aware of a young person's 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 council unless the applicant can demonstrate that all safeguards for children have been addressed (such as the removal of alcohol advertising).

The council, Durham Constabulary 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 council and should be adhered to by licence holders and event organisers. The guide is reproduced in Appendix I.

Recorded staff training programs, 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 encouraged by the council.

**Access to Cinemas:** The 2003 Act requires that any premises showing films must ensure that children are not able to view age restricted films (as classified by the British Board of Film Classification). **The council will expect** any licence holder or applicant who intends to show films to outline suitably robust measures on how they will protect children from exposure to this potential harm. The authority may impose suitable conditions if it believes it is required for the promotion of the four licensing objectives.

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 council itself.

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

**Children and Public Entertainment:** Many children go to see and/or take part in 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. Where many children are likely to be present on any licensed premises, for example a children's pantomime, disco/rave or similar event, the authority expects all children to be supervised by an appropriate number of adults and to ensure that the venues put measures in place to prevent any child being exposed to harm.

Where entertainment requiring a licence is specifically presented for children, the council 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.

Venue operators may also apply their own admissions policy to their premises. If a venue has carried out a risk assessment that deems it appropriate to exclude children or young persons from their premises, then that is a matter for them.

**The council will expect** all venue operators to risk assess their venues accordingly against the nature of the licensable activities they intend to carry out. This could include, for example, allowing accompanied children into a premise up until a certain time and then excluding them for the rest of the time the premises are open.

Regarding this licensing objective, the council 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 because of premises, personal applications and all variations to licences are covered by this protocol.

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

**The council strongly recommends** that events, involving persons under the age of 18 years and persons over 18 years, do not take place unless there are sufficient and robust control measures in place. Experience has shown that mixed age events are extremely difficult to control and manage and they have led to persons under the age of 18 being exposed to alcohol and entertainment late into the night.

It is the council's view that mixed age events should not take place within the late-night economy, particularly at venues that are alcohol and entertainment-led and which are operating late at night. It is the council's view that these mixed aged events can have an adverse impact on a young persons wellbeing as well exposing them to unacceptable levels of harms associated with the night time economy.

In addition to the information above, **Table 4 in Appendix VI** provides recommendations, suggestions and examples of how to protect children from each of the dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, cliental and workforce when identifying hazards, assessing risks and identifying controls.

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## **Appendix 7: 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 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**

<b>Section</b>	<b>Offence</b>	<b>Prosecuting Authority</b>
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