

Statutory Licensing Sub-Committee

14th July 2022

Application for the grant of a Premises Licence

Ordinary Decision



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

Councillor John Shuttleworth, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships

Electoral division(s) affected:

Brandon

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a Premises Licence for the Fun Zone, Unit 1, Skillion Business Centre, Littleburn Industrial Estate, Langley Moor, Durham, DH7 8HG.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 An application for the grant of a premises licence was submitted to the Licensing Authority on 16th May 2022 by Mr Craig Lynch.
- 4 The application requested the following:
 - Sale of Alcohol (on and off sales)
Monday to Friday - 09:30 hrs until 2300 hrs
Saturday - 10:00 hrs until 23:00 hrs
Sunday - 11:00 hrs until 23:00 hrs
 - Hours open to the public:
Monday to Sunday - 08:00 hrs until 23:00 hrs
- 5 During the consultation period, the Licensing Authority received four representations, three in opposition to the application and one in support of the application, all from other persons. The applicant communicated with two of the representees, resulting in one of the objections being withdrawn.

- 6 Durham Constabulary and Durham Safeguarding Children Partnership mediated with the applicant and agreed additional conditions to be included on the application form.
- 7 The Council's Environmental Health and The Fire Safety Authority replied to the consultation with no comments.
- 8 The Planning Authority and the Council's Public Health department provided comments for information only. These comments were forwarded onto the applicant.

Recommendation(s)

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

- 11 Background information

Applicant	Mr Craig Lynch	
Type of Application: New Premises Licence	Date received: 16th May 2022	Consultation ended: 17th June 2022

Details of the application

- 12 An application for the grant of a premises licence was received by the Licensing Authority on 16th May 2022.

A copy of the application is attached and supplementary documents attached at Appendix 3.

13 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.

14 The licensable activity requested are as follows:

Licensable Activity	Days & Hours
Sale of Alcohol (on and off sales)	Monday to Friday - 09:30 hrs until 2300 hrs Saturday - 10:00 hrs until 23:00 hrs Sunday - 11:00 hrs until 23:00 hrs
Open to the public	Monday to Sunday: 08:00 hrs – 23:00 hrs

15 The applicant has proposed the conditions and steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application form.

The Representations

16 During the consultation period, four representations were received, however, one objection has since been withdrawn, three representations remain from the following:

- Councillor Taylor (other person) - support
- Mr J Thompson (other person)
- Brandon & Byshottles Parish Council (other persons)

17 The Licensing Authority deemed the objections/representations as relevant, relating to the following licensing objectives:

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

Copies of the objections/representations are attached at Appendix 4.

18 The Council's Planning Authority and the Council's Public Health Department provided comments for information only and have been

forwarded to the Applicant. Responses were also received from the Council's Environmental Health Department and The Fire Authority confirming they had no comments to make.

Durham Constabulary and Durham Safeguarding Children Partnership mediated with the applicant and agreed additional conditions to be included on the application form.

Copies of the responses are attached at Appendix 5, for information.

The Parties

19 The Parties to the hearing will be:

- Mr Craig Lynch (Applicant)
- Councillor Taylor
- Mr J Thompson
- Brandon & Byshottles Parish Council

Options

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

- (a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003;
- (b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and the mandatory conditions set out in the Licensing Act 2003;
- (c) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- (d) To refuse to specify a person on the licence as the Designated Premises Supervisor;
- (e) To reject the application.

Main implications

Legal Implications

21 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

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

See Appendix 1

Conclusion

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

Background papers

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

Other useful documents

- None

Contact: Karen Robson

Tel: 03000 265104

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

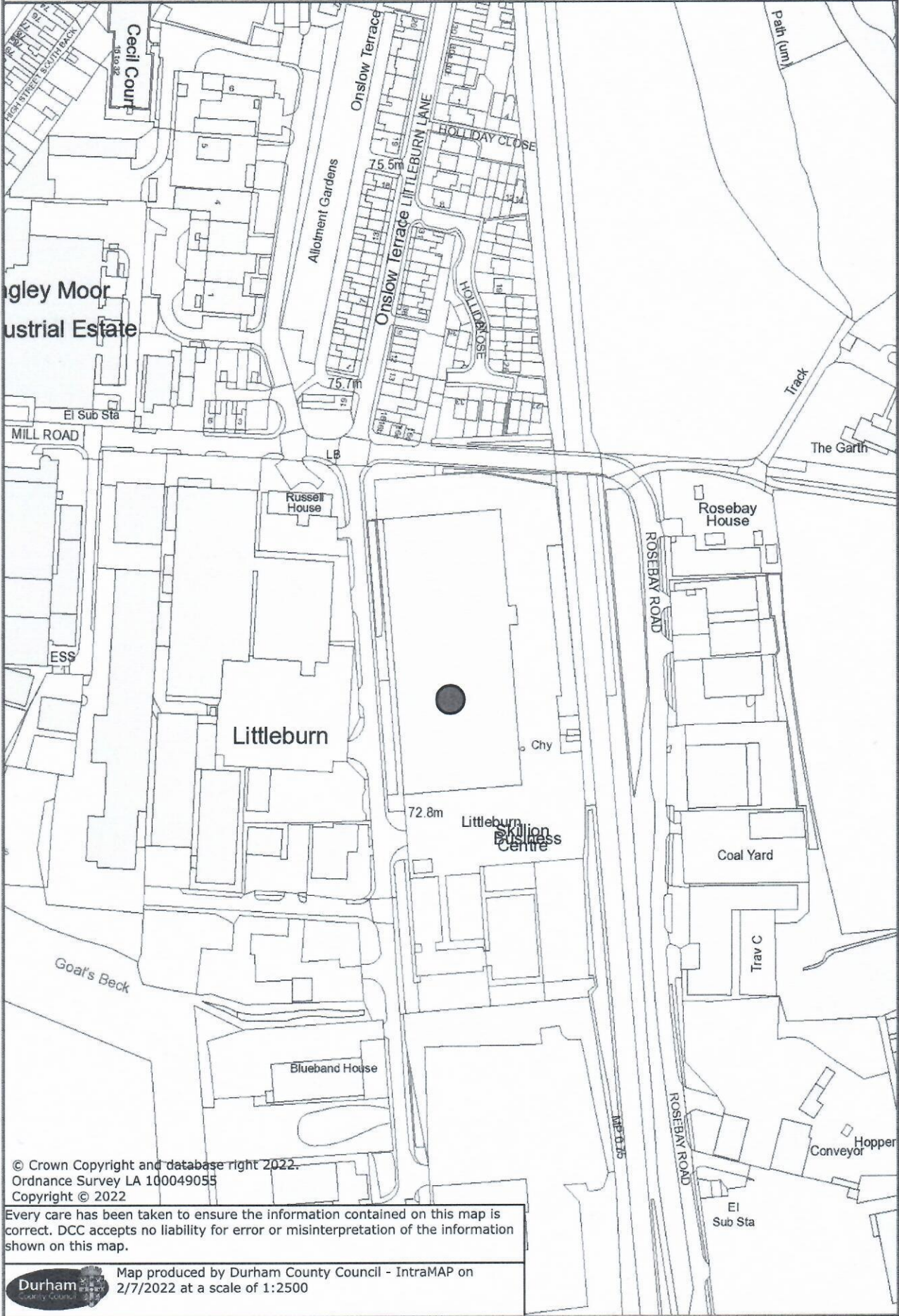
The notice of application was displayed on the premises for a period of 28 days.

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

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


Appendix 2: Location Plan

Durham County Council - IntraMAP



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

 Map produced by Durham County Council - IntraMAP on 2/7/2022 at a scale of 1:2500

**Appendix 3: Premises Licence Application
& Supplementary Documents**

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

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

Please read the following instructions first

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

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

I/We CRAIG HUGH LYNCH

(Insert name(s) of applicant)

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

Part 1 – Premises details

UNIT 1 SKILLION BUSINESS CENTRE LITTLEBURN INDUSTRIAL ESTATE LANGLEY MOOR			
Post town	DURHAM	Postcode	DH78HG

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

Part 2 - Applicant details

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

a)	an individual or individuals *	<input checked="" type="checkbox"/>	please complete section (A)
b)	a person other than an individual *	<input type="checkbox"/>	
i	as a limited company/limited liability partnership	<input type="checkbox"/>	please complete section (B)
ii	as a partnership (other than limited liability)	<input type="checkbox"/>	please complete section (B)

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

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

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

(A) individual applicants (fill in as applicable)

Mr ✓	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname LYNCH			First names CRAIG HUGH		
Date of birth					
Nationality					
Current reside address if diffe from premises address					
Post town					
Daytime cont number					
E-mail address (optional)					

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

Second individual applicant (if applicable)

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

(B) Other applicants

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

Name
Address

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

Part 3 Operating Schedule

When do you want the premises licence to start?

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

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

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

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>SINGLE FLOOR, FAMILY ENTERTAINMENT CENTRE SITUATED ON A BUSINESS PARK WITH RESTAURANT OFFERING A TAKEAWAY SERVICE. WE INTEND TO OFFER ALCOHOL ON AND OFF PREMISES, AS PART OF TAKE AWAY SERVICE.</p>
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If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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

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

Provision of regulated entertainment (please read guidance note 2)		Please tick all that apply
a)	plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b)	films (if ticking yes, fill in box B)	<input type="checkbox"/>
c)	indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>

e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	✓

In all cases complete boxes K, L and M

A

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

B

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

D

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

E

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

F

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

G

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

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	
				Both	✓
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	0930	2300			
Tue	0930	2300			
Wed	0930	2300			
Thur	0930	2300			
Fri	0930	2300			
Sat	1000	2300			
Sun	1100	2300			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

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

Name	CRAIG LYNCH
Issuing licensing	

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	0800	2300	
Tue	0800	2300	
Wed	0800	2300	
Thur	0800	2300	
Fri	0800	2300	
Sat	0800	2300	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)

Sun	0800	2300	
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M

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

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

I WILL ATTEND REGULAR PUBWATCH MEETINGS AND PARTICIPATE IN ALL INITIATIVES.
 A PERSONAL LICENSE HOLDER WILL BE ON PREMISES AT ALL TIMES WHEN ALCOHOL IS BEING SOLD.
 WE PROVIDE FOOD AT ALL TIMES WHEN ALCOHOL IS BEING SOLD.
 ✓

b) The prevention of crime and disorder

NO CUSTOMERS WILL BE ALLOWED TO LEAVE WITH AN OPEN DRINKING VESSEL OR BOTTLE.
 CCTV IS INSTALLED AND MAINTAINED.
 PERSONS UNDER 18 YEARS OF AGE WILL NOT BE ALLOWED ON PREMISES WITHOUT AN ADULT.
 ALL STAFF WILL SEEK CREDIBLE PROOF OF AGE EVIDENCE FROM ANYONE SEEKING TO PURCHASE ALCOHOL WHO APPEARS TO BE UNDER 25.
 THE LICENSEE WILL BE A MEMBER OF THE LOCAL PUBWATCH SCHEME AND WILL ATTEND REGULAR MEETINGS.

c) Public safety

WE HAVE A DISABLED/WHEELCHAIR ACCESSIBLE TOILET
 WE COMPLY WITH STATUTORY FIRE REGULATIONS
 WE ADHERE TO ALL FOOD SAFETY REGULATIONS.
 STAFF TRAINING IN ASSISTING VISUALLY OR HEARING IMPAIRED CUSTOMERS

d) The prevention of public nuisance

WE WILL PLACE NOTICES AT ENTRANCES AND EXITS REMINDING CUSTOMERS TO LEAVE QUIETLY.
 KEEP RUBBISH BINS AND GLASS REFUSE AWAY FROM PUBLIC ACCESS.
 WE HAVE CAR PARK FACILITIES FOR OUR CUSTOMERS.
 WE HAVE RUBBISH BINS OUTSIDE OF PROPERTY TO MINIMISE LITTER.
 MAXIMUM CAPACITY NUMBERS ARE CONTROLLED BY BOOKING SYSTEM TO PREVENT OVERCROWDING.

e) The protection of children from harm

ZERO TOLLERANCE POLICY ON VIOLENCE
 ZERO TOLERANCE ON DRUG TAKING
 STRICT CHALLENGE 25 POLICY
 ZERO TOLLERANCE ON BAD LANGUAGE

Checklist:

Please tick to indicate agreement

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

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	<p>_____</p> <p>_____</p> <p>CRAIG LYNCH</p>
Date	7 TH MAY 2022
Capacity	APPLICANT

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

Signature	
Date	
Capacity	

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

Post town

Postcode

Telephone number (if any)

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

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a

Supplementary Documents from Mr Lynch

28.6.22

To whom it may concern,

Please find attached a list of statements which should answer any concerns or queries raised now, or in the future, regarding the sale of alcohol at The Fun Zone, Durham.

- The site is accessible by car and there is a car park at the rear. The unit is the final unit on the site meaning that there is no need at all to pass by any other units on foot. The site is easily accessible on foot and is also close to local transport routes, this being one of the reasons it was chosen, so as to make it accessible for all. The recently upgraded steps and resurfaced entrance (by DC Assets Limited) have enhanced the pedestrian access and making it much safer for users of wheelchairs, pushchairs, bikes etc. The site is in a perfect location to meet the needs of the local community as well as being available to those travelling from further afield.
- Parking is permitted on any public road by any member of the public. The main road is not directly in a residential area, so therefore does not create any additional public nuisance. The sale of alcohol would be offered to those already attending The Fun Zone, not increase customer numbers as it is NOT a bar or restaurant.
- The Fun Zone's current opening hours for play are...
 - *9.30am – 3.00pm / 5.30 pm (weekdays during term time)
 - *10.00am – 5.00pm – Saturdays and peak times (sessions of 2 hours)
 - *11.00am – 4.00pm – Sunday
- Food and alcohol might be served at times other than the above via a take away / collection arrangement but there would be no children on site and adults would not be permitted to enter the site for collection. Any alcohol sold would as part of a food order and would be unopened. Take away orders are collected at the front door / hatch without any need to enter site through our on-site safety entrance.
- NO ADULTS are allowed access to the site unless accompanying children (other than adults attending in a professional capacity eg food deliveries, machine repairs) and will not be able to purchase or consume alcohol on site. Security entrance, exit gates and safeguarding procedures in place. No opened alcoholic drinks are allowed to be taken from the site.
- The risk to any vulnerable adults (stated in regards to Unit 7) is far less than to those adults passing a public house or shop where the sale of alcohol is easily available for any adult, and the mentioned restrictions and conditions relating specifically to The Fun Zone are not in place.
- The Fun Zone is NOT a restaurant or bar. It is a play centre which serves good quality, homemade food and offers a take away service. A kitchen for this purpose was located on the original plans. There is therefore no requirement to apply for a change of use.
- Adults are to be offered the option of purchasing an alcoholic drink to enjoy responsibly with their meal making the observation of adults drinking alcohol to be seen as being responsible drinking in a 'café style culture' in a controlled environment. Alcoholic drinks will only be sold alongside food orders at the counter and served to the table by a member of staff (as with hot drinks). There will be no alcoholic drink promotions made during the hours of play. Adults will not be allowed to drink alcohol in excess or irresponsibly in line with licensing conditions. Posters promoting the 'don't drink and drive' message will be displayed, however adults would be expected to follow the same level of responsibility as they would when driving to and from any licensed venue. The 'Challenge 25' policy will be in operation and a refusal log will be kept. No drinks will be permitted to be taken outside and the related signage will be in place.

- Alcohol will be served only to adults and placed in front of the adult at their table in the dining area which are higher (not settee area or low tables). Alcoholic drinks left unattended will be removed by staff. Containers which have contained alcohol will be taken immediately to the wash ups area and any leftover alcohol will be disposed of in line with procedures. All staff will be trained, with regular updates, around the safe clearing of alcohol from table areas.
- Alcohol (as with all food and drink) is not allowed to be taken from the tables and into the play areas. Signs in place stating that drinks are only to be consumed at tables. Further signs in place requesting that toys remain in their designated areas and therefore not near tables where food / drink is consumed.
- Any spillages will be cleaned immediately by staff. Staff procedures and training in place for appropriate cleaning. Cleaning products suitable for the areas eg hard floors, carpets are always on site and staff are trained in product use.
- Optics, or similar, will not be on display and therefore not visible by children and a limited range of alcoholic drinks will be available in comparison to a wide range of non-alcoholic drinks, hot drinks, drinks aimed at children eg milkshakes and slushes.
- Alcoholic drinks will be served in plastic glasses which are different in shape and size to any soft drink so that they are easily identifiable.
- Areas where alcohol can be consumed can be cordoned off if deemed necessary by the licensee.
- Fun Zone rules state that children remain the responsibility of their own parents / carers at all times and anyone not adhering to this rule, in any way, would be challenged and / or asked to leave the premises.
- The licensee has a proven track record of 25+ years in the licensed trade of operating safe and controlled environments and upholding all conditions in place. In event that the Manager leaves their position, new manager will be trained prior to obtaining personal licence. Licensee, manager, or trained member of staff on site at all times. Adults 18+ only will serve alcohol.
- Children will be protected under the safeguarding procedures in place at The Fun Zone, along with the conditions of an alcohol licence, and under the direct supervision of the licensee / manager. All conditions, as per licence, will be adhered to, at all times.
- Children will not at risk of seeing any bad behaviour, unruly or disruptive as a result of the sale of alcohol in the Fun Zone, for the reasons outlined above.

The focus of our business is to provide a safe family environment, where whole families can enjoy some fun, relaxation and respite time. Part of this offer is the availability of good quality food and drinks in a comfortable and safe environment. The safeguarding of children has always been, and will continue to be of the highest priority. Allowing the safe and controlled sale of alcohol will not affect this in any way.

Should you have any further queries regarding the safe and responsible operating of The Fun Zone, please do get in touch.

Many thanks

RISK ASSESSMENT

SALE OF ALCOHOL		Date of assessment: 28.06.22	Date of previous assessment: 28.06.22	Review date: 28.12.22 (reviewed after 6 months then annually)
HAZARD AREA / ACTIVITY	PERSONS AT RISK	SIGNIFICANT RISKS TO HEALTH AND SAFETY	CONTROLS	
Alcohol will be accessible to children	Children	Child can reach and drink alcohol.	<p>Alcohol will be served only to adults and placed in front of the adult at their table.</p> <p>Alcohol will only be served to tables in the intended dining area which are higher (not settee area or low tables).</p> <p>Alcohol will only be sold from the counter to adults purchasing food and therefore remaining at their tables for significant periods of time.</p> <p>Alcohol will be sold from the counter and served to the table.</p> <p>Alcoholic drinks will be served in plastic glasses which are different in shape and size to any soft drink so that they are easily identifiable.</p> <p>Alcoholic drinks left unattended will be removed by staff.</p> <p>Areas where alcohol can be consumed can be cordoned off if deemed necessary by the licensee.</p> <p>Containers which have contained alcohol will be taken immediately to the wash ups area and any leftover alcohol will be disposed of in line with procedures.</p>	

			<p>Fun Zone rules state that children remain the responsibility of their own parents / carers at all times.</p> <p>All conditions, as per licence, will be adhered to, at all times.</p>
Children are exposed to seeing adults drinking alcohol	Children	Health	<p>Alcohol will be on offer, but not promoted.</p> <p>Optics, or similar, will not be on display and therefore not visible by children.</p> <p>A limited range of alcoholic drinks will be available in comparison to a wide range of non-alcoholic drinks, hot drinks, drinks aimed at children eg milkshakes and slushes.</p> <p>Alcohol is available to be purchased alongside food making the observation of adults drinking alcohol to be seen as being responsible drinking in a 'café style culture' in a controlled environment.</p> <p>Adults will not be allowed to drink alcohol in excess or irresponsibly in line with licensee conditions.</p> <p>NO ADULTS are allowed access to the site unless accompanying children (other than adults attending in a professional capacity eg food deliveries, machine repairs) and will not be able to enter the site to purchase or drink alcohol.</p> <p>All conditions, as per licence, will be adhered to, at all times.</p>
Broken glass	Children and adults	Cuts to feet, hands etc	All drinks are served in appropriate plastic glassware.
Alcohol is seen to be promoted	Children and adults	Children, teenagers, vulnerable adults will be encouraged to drink alcohol.	<p>Alcohol is available to be purchased with food, but not promoted.</p> <p>No offers in the style of happy hours or BOGOF's will be made during hours of play.</p> <p>Optics, or similar, will not be on display and therefore not visible by children.</p> <p>A limited range of alcoholic drinks will be available - in comparison to a wide range of advertised and promoted non-alcoholic</p>

		<p>Inappropriate adults might drink alcohol around children</p>	<p>drinks, hot drinks, drinks aimed at children eg milkshakes and slushes.</p> <p>NO ADULTS are allowed access to the site unless accompanying children (other than adults attending in a professional capacity eg food deliveries, machine repairs) and will not be able to purchase or consume alcohol on site. Security entrance, exit gates and safeguarding procedures in place.</p> <p>No open drinks are allowed to leave the site (signage in place) and no open drink will be served via take away orders.</p> <p>Take away orders are collected at the front door / hatch without any need to enter site through safety entrance.</p> <p>All conditions, as per licence, will be adhered to, at all times.</p>
<p>Adults will become intoxicated.</p> <p>Adults will leave the site intoxicated.</p>	<p>Adults and children</p>	<p>Adults will be intoxicated and unable to remain responsible for their own children</p>	<p>Adults will only be served alcohol when food has been purchased.</p> <p>No offers in the style of happy hours or BOGOF's will be made during hours of play.</p> <p>Adults will not be served alcohol to excess in line with licence conditions.</p> <p>A wide range of hot drinks and non-alcoholic cold drinks are available and promoted.</p> <p>Sessions are restricted to 2 hours at peak times.</p> <p>All customers agree to the Fun Zone rules on entering the site, including being responsible for their children at all times. Any adults not adhering to the rules would be asked to leave the premises.</p> <p>Posters promoting the 'don't drink and drive' message will be displayed.</p> <p>NO ADULTS are allowed access to the site unless accompanying children (other than adults attending in a professional capacity eg food deliveries, machine repairs)</p>

			All conditions, as per licence, will be adhered to, at all times.
Alcoholic drink knocked over and spilled on tables or floors.	Children	Exposure to alcohol out of its container.	<p>Waitress service in place to serve all hot drinks and alcoholic drinks.</p> <p>Any spillages will be cleaned immediately by staff.</p> <p>Staff procedures and training in place for appropriate cleaning.</p> <p>Cleaning products suitable for the areas eg hard floors, carpets are always on site and staff are trained in product use.</p>
Alcohol spilled on children's toys / play areas	Children	Exposure to alcohol out of its container.	<p>Alcohol (as with all drinks) is not allowed to be taken from the tables and into the play areas.</p> <p>Signs in place stating that drinks are only to be consumed at tables.</p> <p>Signs in place requesting that toys remain in their designated areas and therefore not near tables where food / drink is consumed.</p>
<p>Teenagers / young adults will be serving alcohol.</p> <p>Inexperienced staff in charge of serving alcohol.</p>	Under 18's	Under 18's safety.	<p>Adults 18+ only will serve alcohol.</p> <p>Licensee has 25+ years of experience with serving alcohol in a safe and controlled environment.</p> <p>Owner / Manager hold personal licence. In event that they leave their position, new manager will be trained prior to obtaining personal licence.</p> <p>Licensee, manager, or trained member of staff on site at all times.</p> <p>All staff will be trained, with regular updates, around the safe clearing of alcohol from table areas.</p> <p>All conditions, as per licence, will be adhered to, at all times.</p>
Sale of alcohol	Children and adults	Hours are extended allowing longer hours / increase	<p>Permitted opening hours are in place.</p> <p>2 hours session times are in place at peak times.</p>

		of drinking alcohol	<p>Alcohol will only be served when food is being ordered / consumed.</p> <p>Sale of alcohol to accompany a take away outside of play hours will be unopened and collected from the front door / hatch.</p> <p>All conditions, as per licence, will be adhered to, at all times.</p>
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Appendix 4: Representations

From: Cllr Paul Taylor _____

Sent: 16 June 2022 10:54

To: Karen Robson

Cc: Kelsey Tate

Subject: Re: Comments from Langley Moor Ward Councillors on FunZone licensing application

Dear Karen

I have observed this new business from its first day of trading, I am absolutely delighted that it is fast becoming an extremely valued part of our community and indeed a great community facility to have.

This application has my unequivocal support, I trust that The Fun Zone will continue to grow and thrive as a much needed asset to our area and beyond.

Best Wishes

Paul

Paul Taylor
Representing the people of Brandon Division
on Durham County Council

J Thompson
Park Drive
Langley Park
Dh79te

From: [J](#)

Sent: 16 June 2022 20:20

To: AHS Licensing

Subject: Premises licence the fun zone unit 1

To whom it may concern

I am the site manager at the skillion business centre, Langley Moor.

I would like too strongly object to the
Fun zone
Unit 1 skillion business centre, Langley Moor
Dh78hg

Being granted an alcohol premises licence on the following grounds.

1. I would like to bring to your attention part 2 particulars of Mr Lynchs planning decision item 3 , his planning application states he is only allowed to open to customers between the hours of 9.30am to 7.00pm Sunday to Friday and 9.00pm on a Saturday, reasons in the interests of the residential amenity of surrounding properties in accordance with policy h13 of the city of Durham local plan and part 12 of the national planning policy framework.
2. Mr Lynch's planning application states change of use from an industrial unit to a children's play barn, not a licensed restaurant.
3. His lease states its sole use is a child's play area not a licensed bar and restaurant, which he would need to seek the landlords permission on this as well which he has not done so.
4. This is a non pedestrian site and the majority of Mr Lynch's customers drive to and from the site, so adding alcohol to this mix is a very unwise decision.
5. We have a charity workshop on site that works with vulnerable adults, some of which has drug and alcohol problems, so a premises on site with an all day alcohol license would not be advised on these grounds alone, as it could have a severe detrimental effect on some of these individuals, who are trying to rehabilitate themselves.
6. I understand before planning was granted there was a number of councillors who had concerns with a children's play barn on a very busy industrial estate, which skillion is it is not a retail park.

I would find it irresponsible of the council to grant and alcohol licence, as I did with them granting planning permission in the first place for a children's play barn on a very busy industrial estate.

Please consider my comments when making your decision, please don't hesitate in contacting me if you require more information.

Kind regards

J Thompson

Friday 17.6.22 14:25

Good Afternoon

Could you please acknowledge receipt of the objection.

Many thanks.

Regards

Susan

Mrs Susan Howe
Clerk to the Council
Brandon & Byshottles Parish Council
6 Goatbeck Terrace
Langley Moor
Durham
DH7 8JJ

Brandon and Byshottles Parish Council's objection to a licensing application for the Fun Zone, Littleburn Industrial Estate

Brandon and Byshottles Parish Council wish to make a formal objection to the proposal to grant a license to sell alcohol at the Fun Zone premises in Littleburn Industrial Estate on the grounds that it threatens the fourth objective of the Durham County Council's licensing objectives – the protection of children from harm.

As it stands, the application to sell alcohol from 9,30am – 11pm (Mondays – Fridays), 10am – 11pm (Saturdays) and 11am – 11pm (Sundays) overlaps with the entire opening hours of the Fun Zone (viz., 5 hours). In para 5.7 of the Licensing Policy (see also para 7.4 and Appendix I), it states that applications for the sale of alcohol during early morning daytime hours will be given particular attention in relation to proximity to nurseries and children's centres, as is the case with the Fun Zone. In para 5.11, the Policy suggests that the Council will impose conditions protecting children in such circumstances. It is not hard to see why this is the policy: the protection of children from harm includes the protection of children from moral, psychological and physical harm associated with the behaviours of people buying and consuming alcohol (Licensing Act of 2003 Section 182; Licensing Policy para 7.4).

Inside the Fun Zone, there is a large area with tables for consumption of an extensive food menu, for which there is a Very Good (Point 5) food hygiene standard. This re-arrangement of the internal space of the Fun Zone is very different from the detailed, measured plan made in 2020 and submitted as part of the licensing application. The proposed area for sale of alcohol is integral to the playing areas of the Fun Zone and it would be very difficult, if not impossible, to separate alcohol sales and consumption from the playing areas. This means that such sales directly expose children to the risk of bad behaviour associated with alcohol. The long proposed opening hours risk attracting a wide range of drinkers to the premises, thereby increasing the risk of alcohol-related bad behaviour to children at the Fun Zone. The sale of alcohol to vulnerable parents may also increase the risk of children's safety from parental action. We are concerned that the play equipment may become more attractive to adults once their inhibitions have been lowered by alcohol consumption, and they may enter the play area and cause harm to child users. We are also concerned that the combination of play and drinking will alter children's perceptions of alcohol use and normalise it. As adult parents/carers retain responsibility for the safety of their children whilst they are using play equipment, we would be concerned that if intoxicated, the parent's diligence and perception of risk may be inhibited.

The obvious way to protect the children using the Fun Zone is to limit the hours in which alcohol is sold to those hours outside the opening hours of the Fun Zone. We propose that opening hours are limited to 6pm – 11pm. In our view, it makes more planning and licensing sense to retain the Fun Zone as a children's play centre during the day and open the building as a licensed restaurant during the evening rather than to mix the two functions to the potential harm of children in the Fun Zone.

Further information for consideration: Application for on sales and off-license at the Fun Zone

The irony is not lost on members of Brandon and Byshottles Parish Council that we are meeting to discuss this licensing application during the delivery of a campaign by Public Health England, adopted and promoted by the Public Health Team within Durham County Council named “What’s the harm?”. This campaign hopes to amend parental attitudes to alcohol consumption by children. One of the key takeaways from the materials developed to support this campaign is that adult role modelling can be a factor in children’s attitude to alcohol¹.

The campaign also stresses that “Children and their parents and carers are advised that an alcohol-free childhood is the healthiest and best option” Quote from Chief Medical Officer for England, Sir Liam Donaldson ².

A survey was carried out in 2007 which asked 15- and 16-year-olds about the different positive and negative consequences they thought might happen to them if they drank alcohol (Hibell et al, 2009)³. Startlingly, 71% of respondents associated alcohol consumption with positive consequences. 80% of those with a positive response said that they thought alcohol consumption would lead to them “having a lot of fun”. Our concern is that children attending a dedicated children’s soft play centre are very likely to be having fun, and they would associate the fun they are having with the alcohol they see their parents/carers consuming whilst doing so. Children already have a dangerous perception that alcohol equates to fun, and the intrusion of alcohol into a child-specific play place can only enhance this perception.

A study in 2004 by Hayes et al ⁴ concluded (unsurprisingly) that parental use of alcohol increases the likelihood that children and adolescents will consume alcohol.

It may well be said that there are many locations where alcohol is served when children are present, but it is safe to say that these are venues which are predominantly designed for adults, with a small play space being made as a concession to adults who are parents, in order to increase footfall. Brandon and Byshottles Parish Council is not aware of any other venue, designed specifically and exclusively for children, which has a license for the sale of alcohol.

We have surveyed 6 local children’s play centres: none serves alcohol⁵. We have also looked at pubs locally whose websites offer a play area: the only one which has an extensive play area (Brewer’s Fayre) segregates the play area from the bar⁶.

So the question is: is the Fun Zone a pub or a children’s centre?

We appreciate that the applicant has said they will monitor all sales personally, but the hours of the license seem to prohibit this and the hours required would contravene all current guidelines for a safe working week. Whilst the licensee may adopt a “zero tolerance” approach to misbehaviour on site, premises licensed for the sale of alcohol usually accomplish this by employing SIA-licensed door staff (“bouncers”) in line with the Security Industry Act (PSIA) 2001. This does not seem to be in keeping with a children’s play centre.

The Plan of the premises supplied by the applicant within the application does not match the current layout of the premises. The current layout places c. 20 tables and chairs in the centre of the large area, with children's play facilities around the margins. Unlike at the Brewers' Fayre, there is NO separation between the area where alcohol is consumed and the children's play areas.

We have found no evidence for an application for a Change of Use from a Children's Play Centre to a café. This first step moves away from a children's play area to a centre where more space is given to sales of food and soft drinks. The licensing application takes one step further from the original concept of a children's play area, in which EVEN LESS space is given to play and EVEN MORE to food and drink. This is a worrying trend.

References

¹ What's the Harm campaign – Balance toolkit 2022 FINAL

² Guidance on the consumption of alcohol by children and young people, Sir Liam Donaldson, Chief Medical Officer for England 2009. Published by Department of Health

³ Hibell B, Guttormsson U, Ahlstrom S, et al (2009) *The 2007 ESPAD Report: Substance use among students in 35 European Countries*. Stockholm: The Swedish Council for Information on Alcohol and Other Drugs.

⁴ Hayes L, Smart D, Toumbourou JW, Sanson A (2004) *Parenting influences on adolescent alcohol use*. Melbourne: Australian Institute of Family Studies

⁵ Dragonflies* and Berty's Play Barn serve food and soft drinks for parents; Stepping Stones Nursery, Kids' 1st* and Yellow Wellies Day Nursery have no food for parents; Kelloe Phoenix Centre has food for children; and Brandon Sure Start Centre has no food at all. Two centres (*) expressed horror at the idea of serving alcohol on premises with children playing.

One trampoline centre (Infinity Air, Durham) has activities for all ages, with children and adults able to trampoline (opening 9am – 7pm w/days; 9am – 6pm w/end) and has a bar open (11am – closing 6/7pm) some 20m from closest trampolining area, with no fixed barriers but separated by 20 tables.

⁶ Three pubs claim to offer children's play areas on their websites: Broomside Park Beefeater has stopped offering a play area; Newton Grange (open 10am – 11pm) has a 2m x 2m interior play area (4 children max.) and an outdoor slide/climber (6 children max.); the only pub with an extensive children's play area is Dunelm Ridge Brewers' Fayre (open 9am – 11pm), with a two-storey play area with a variety of facilities separated from the bar by double doors and with tables for parents to eat and drink near the facilities.

Appendix 5: Responses from Responsible Authorities

From: Kelly Hyde
Sent: 14 June 2022 08:14
To: Helen Johnson - Licensing Team Leader (N'hoods)
Cc: AHS Licensing
Subject: FW: The Fun Zone, Licensing application

Hello,

Could the below conditions please be added to the application as agreed by the applicant.

Regards

Kelly

PCSO 6627 Hyde
Licensing Officer
Licensed Economy Team
Annand House
Meadowfield



Our Values & Vision:

Positive | Fair | Courageous | Inclusive | With Integrity

Protecting Neighbourhoods, Tackling Criminals, Solving Problems

From: craig lynch
Sent: 10 June 2022 16:10
To: Kelly Hyde

Hi Kelly

Yes it was nice to meet you and put a face to the name.

I agree with all those conditions and will ensure they are carried out at all times.

If you need any more information please do not hesitate to ask.

Kind regards

Craig

On 10 Jun 2022, at 15:23, Kelly Hyde

Hello,

It was lovely to meet you today. As a result of our conversation, could you please let me know if you agree to the below conditions. If you agree I will arrange this with Durham County Council.

- All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licences including times of operation, licensable activities and all conditions. Refresher training will be carried out every 6 months and all training will be recorded in a register. The register will be made available to the Police or an authorised officer of the local authority upon request.
- The premises shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by Police or authorised officers of the local authority upon request.
- The premises shall maintain an incident book, which shall be made available to the Police and authorised officers of the local authority upon request.
- A CCTV system will be installed and in operation at all times the premises are being used for licensable activity. It must be operated by properly trained staff. CCTV recording will be retained for a minimum of 28 days.
- The premises will ensure that a trained member of staff is available to operate the CCTV system at all times and download any images requested by Police or an authorised officer of the local authority and provided within 48 hours of a request being made.
- The premises will have a drugs policy in place. Any person seen to be using drugs on the premises will be ejected immediately and barred for a minimum period of 12 months.
- The premises will take part in the local pubwatch scheme and a representative shall regularly attend meetings

Delivery Conditions

- Delivery drivers will be trained in relation to their responsibilities under the Licensing Act 2003 and the licensing objectives. Such training will be documented.
- At the time the order is placed a declaration will be required from the person placing the order that they are over 18 years of age and the recipient of the delivery may be required to provide ID in line with Challenge 25.

- Challenge 25 – If the driver considers the recipient of the alcohol appears under 25, recognised photographic identification is to be requested before any alcohol is handed over.
- Acceptable proof of age shall include identification bearing the customer photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport. If no ID is provided when required there will be no delivery.
- Delivery will be refused if the driver believes that alcohol is being purchased on behalf of another person under the age of 18 years. Where a refusal has taken place, the customer will be informed of our refund policy and monies will be returned. This refund will only apply to the alcohol. Food will still be charged. A record of the refusal will be recorded.
- Payments will only be taken by debit or credit card, and no payment is to be taken by the drivers direct. As a result the drivers will not carry any cash. Customers will not be permitted to increase their alcohol order on delivery as a result. Signs will be placed on delivery vehicles to advertise this fact.
- Alcohol can only be delivered to a residential or business address, and not to a public place.
- Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/debit card.

Regards

Kelly
Licensed Economy Team

From: craig lynch
Sent: 17 June 2022 16:16
To: Helen Johnson - Licensing Team Leader (N'hoods)
Subject: Re: New Premises Licence - The Fun Zone

Hi Helen

Yes I'm happy to include all the steps that are highlighted below.

As an experienced licensee I would consider these requests as standard operation in any of my venues.

If you require any further information, please do not hesitate to ask.

Kind regards

Craig

On 17 Jun 2022, at 15:57, Helen Johnson - Licensing Team Leader (N'hoods)

Dear Craig

In regards to the grant of a premises licence for The Fun Zone, you will see an email below received from Durham Safeguarding Partnership. I have highlighted below the steps they wish for you to take in regards to the protection of children from harm licensing objective.

Are you happy to amend the application to include these steps?

Kind regards

Helen Johnson
Licensing Team Leader
Community Protection Service
Neighbourhoods and Climate Change

From: DSCP Secure
Sent: 17 June 2022 15:48
To: Helen Johnson - Licensing Team Leader (N'hoods)
Subject: FW: New Premises Licence - The Fun Zone

I represent the Durham Safeguarding Children Partnership (DSCP) which is a responsible authority under the Licensing Act. I have received a copy of your application for a premises licence for your premises at "The Fun Zone Unit 1, Skillion Business Centre", Littleburn Industrial Estate, Langley Moor, Durham DH7 8HG

I welcome your proposals as to how you intend to meet the licensing objectives.

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I consider that the steps require more clarity and there are some matters which I consider are absent and should be addressed.

(Any premises licence should include a mandatory condition that an age verification policy is operated. Durham Safeguarding Children Partnership recommends and promotes the Challenge 25 standard)

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

- Verification of age – safeguards to be in place to see that alcohol is not served to or purchased on behalf of under age 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.
- Minimise the risk of proxy sales – The applicant will work with the police to minimise the risk of proxy provision / proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).
- Maintain a refusals register – where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register / log to be updated. The register to be made available to the police on request.
- 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.

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

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

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

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

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

My Ref: SW/2022/038

Stephen Winship

Policy & Strategy Officer
Durham Safeguarding Children Partnership



Durham Safeguarding Children Partnership (DSCP)
Keeping Children Safe



MEMO

To: Mrs Kelsey Tate
Licensing Services

From: Mr Richard Wormald
Neighbourhoods and Climate Change

Date: 26 May 2022

Re: **Licensing Application New premises licence
The Fun Zone, Unit 1, Skillion Business Centre Littleburn Industrial Estate
Langley Moor Durham DH7 8HG**

With reference to the above licensing application received on 23 May 2022.

I have assessed the application with reference to the prevention of public nuisance licensing objective and would confirm I have no objection to raise in relation to the granting of the new premise license.

Mr R. Wormald
Senior Environmental Health Officer

Development Assessment Team
Community Protection Service
Neighbourhoods and Climate Change
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS



Chief Fire Officer: Stuart Errington

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

Date: 21 May 2022

This matter is being dealt with by: David Tempest

Ext:

Our Ref: 1B41250200

Your Ref: The Fun Zone Unit
1, Skillion Business C

Direct Dial Telephone:

E-mail:

**Kelsey Tate
Licensing Officer**

Environment, Health and Consumer Protection
Neighbourhood and Climate Change
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

Dear Kelsey

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Durham Soft Play LTD, Unit 1 Skillion Business Centre, Littleburn Industrial Estate, Langley Moor, Durham, DH7 8HG

I acknowledge your application dated 19 May 2022 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

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

A suitable and sufficient fire safety risk assessment must be carried out in order to comply with the above Order.

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



www.ddfire.gov.uk

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

Yours faithfully

David Tempest
Fire Safety Section

Contact: Michelle Hurton
Direct Tel:
email:
Your ref:
Our ref: CON28/22/01574



Kelsey Tate
Annand House
John Street North
Meadowfield
DH7 8RS

28th June 2022

Dear Kelsey Tate

Town and Country Planning Act 1990 (as amended)

Proposed Application for a New Premises Licence
At Unit 1 Skillion Business Centre Littleburn Road Littleburn Industrial Estate
 Langley Moor
For Kelsey Tate

A consultation has been forwarded on to the Local Planning Authority regarding the Application for a New Premises Licence. The licence includes the provision of a takeaway service and to extend the opening hours.

Planning permission reference number DM/20/00174/FPA was granted for the change of use from furniture showroom/warehouse to children's play hall (Class D2)

Condition 3 of that permission states the following:

The premises shall not be open to customers outside the hours of 9:30am to 7:00pm Sunday to Friday, and 9:00am to 9:00pm on Saturdays.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy H13 of the City of Durham Local Plan and Part 12 of the National Planning Policy Framework.

As the proposed opening hours would exceed those given permission for, the applicant would need to apply to amend the opening hours to what is proposed. Permission would also be required for the takeaway service as it appears that the use of the building is changing from a children's play hall to a mixed use.

The site is located in close proximity to residential properties; therefore, it is advised that the applicant submits a pre-application enquiry detailing what they propose for the unit

Regeneration, Economy and Growth

Durham County Council, Planning Development (Central East), Room 4/86-102, County Hall, Durham, DH1 5UL Main Telephone: 03000 262 830

which would be allocated to an officer who would assess whether the proposed changes would be looked upon favourably in principle.

Yours sincerely

Michelle Hurton
Planning Officer

Dear Colleagues,

Fri 20/05/2022 11:18

I represent the County Durham Public Health which is a responsible authority under the licensing act. I have received a copy of the application for a premises licence at The Fun Zone

Public Health believes the applicant approaches this application as a responsible licensee and we will be writing to them to consider implementing the following actions:

Off license

- Chief Medical Officer (CMO) guidance on alcohol related health is displayed in at least one prominent point on the shop floor or point of sale. (We will supply the information in a A4 / A5 poster / point of sale)
- Unit information is displayed in the alcohol aisle
- Alcohol will not be displayed adjacent to, or beside products aimed at children.

On-license

- Ensuring free (tap) water is available and the offer is visible to customers. There is a mandatory condition on all on-licences to provide free water on request to customers, we would like to see this as a visible offer.
- Chief Medical Officer (CMO) guidance on alcohol related health is displayed in at least one prominent point per floor, in the premises. (We will supply the information in a A4 / A5 poster).
- Unit information (and calorie data if available) is displayed on any drink menu available (effective from the next reprint of menu).
- Any food or drink vending offer on the premises to include competitively priced healthy options.

Restaurants or food offer in on-license premises

- Menu to display calories per portion information for all food offers (effective from the next reprint of menu).
- 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 from food and drink, men should aim for 2,500 calories to maintain a healthy weight).
- Menu to display food allergen information and comply with food labelling guidance (www.gov.uk/food-labelling-and-packaging)
- Menu to offer smaller / half portions (this doesn't have to be half price)
- Salt and pepper (& other condiments) available upon request rather than always on the table.

These suggestions are based on local consultation with partners and Public Health England in an effort to raise the health intelligence of individuals and to contribute to the health of our communities and to reduce the impact of alcohol health harms. All suggested actions are included in the County Durham Statement of Licensing Policy 2019/24.

My Ref: PH/2021/0188
Kind Regards

Jade Tunney
Administration Officer
Public Health
Durham County Council

Appendix 6: Statement of Licensing Policy

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

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.

Appendix 7: Section 182 Guidance

Crime and disorder

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

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

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

Public 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 Act¹, 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

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