

Statutory Licensing Sub-Committee

6th February 2023

Application for the variation 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 Climate Change

Electoral division(s) affected: Elvet and Gilesgate

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the variation of a premises licence for Blue Eye, 25 Elvet Bridge, Durham City, Durham DH1 3AA.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application requests the granting of a variation of a Premises Licence for Blue Eye, 25 Elvet Bridge, Durham City, Durham DH1 3AA.
- 4 The application initially requested the following activities:

To increase timings for all existing licensable activities, namely recorded music (indoors) and sale of alcohol (on sales only). Alongside the amendment of an existing condition.

5 Mediation

Within the consultation period Durham Constabulary communicated with the applicant's solicitor and an amendment to the application was submitted to cease sale of alcohol at 01:30 hrs and close the premises at 02:00 hrs. Recorded music (indoors) would remain as proposed at 02:00 hrs. Durham Constabulary confirmed following this amendment no objection would be submitted to the variation application.

- 6 The licensing authority received responses from Durham County Council Planning Department, (this was forwarded to the Applicant for information) and no comment responses from Public Health, Durham Safeguarding Children Partnership and County Durham & Darlington Fire and Rescue Service.
- 7 The licensing authority received one letter in opposition to the application from City of Durham Parish Council (other persons).

Recommendation(s)

- 8 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 9 The Sub-Committee is recommended to give appropriate weight to:
 - (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations (including supporting information) presented by all parties;
 - (c) 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 December 2022). The relevant parts of the guidance are attached at Appendix 7.

Background

- 10 Background information – Applicant – Mr Simon Paul Brind

Type of Application: Variation of a premises licence	Date received: 13 th December 2022	Consultation ended: 10 th January 2023
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Details of the application

- 11 An application for the variation of a premises licence was received by the Licensing Authority on 13th December 2022. A copy of the application, amendments and the current premises licence are attached as Appendix 3.

- 12 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 13 The activities requested are now as follows:

Current Licensable Activities	Proposed (after amendment) Licensable Hours
Sale of Alcohol (ON sales) Monday to Sunday 12:00 hrs – 01:00 hrs	Sale of Alcohol (ON sales only) Monday to Sunday 12:00 hrs – 01:30 hrs
Sale of Alcohol (OFF sales) Monday to Sunday 12:00 hrs – 23:00 hrs	Sale of Alcohol (Off sales) No Change
Recorded Music (Indoors) Monday to Sunday 12:00 hrs – 01:00 hrs	Recorded Music (Indoors) Monday to Sunday 12:00 hrs – 02:00 hrs
Opening Hours Monday – Sunday 12:00 hrs – 01:30 hrs	Proposed Opening Hours Monday to Sunday 12:00 hrs – 02:00 hrs

- 14 The applicant has proposed to amend an existing condition to read “No person under the age of 17 will be allowed access to the premises after 21:00 hrs”.

The Representation

- 15 The Licensing Authority received one letter of representation during the consultation period from City of Durham Parish Council (other persons).

The licensing authority deemed the representations as relevant, relating to the following licensing objective:

- The Prevention of Public Nuisance

A copy of the representation is attached at Appendix 4.

- 16 Responses were received from the following Responsible Authorities:

The licensing authority received responses from Durham County Council Planning Department, (this was forwarded to the Applicant for information) and no comment responses from Public Health, Durham Safeguarding Children Partnership and County Durham & Darlington Fire and Rescue Service. See Appendix 5.

The Parties

17 The Parties to the hearing will be:

- Mr Simon Paul Brind (Applicant)
- Mr Matt Foster (Applicant's Solicitor)
- City of Durham Parish Council (other persons)

Options

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

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

Main implications

Legal Implications

19 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

See Appendix 1.

Consultation

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

See Appendix 1

Conclusion

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

Background papers

- Durham County Council's Statement of Licensing Policy 2019-2024
- Guidance issued under Section 182 of the Licensing Act 2003 (as amended December 2022)

Other useful documents

- None

Contact: Karen Robson

Tel: 03000 265104

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

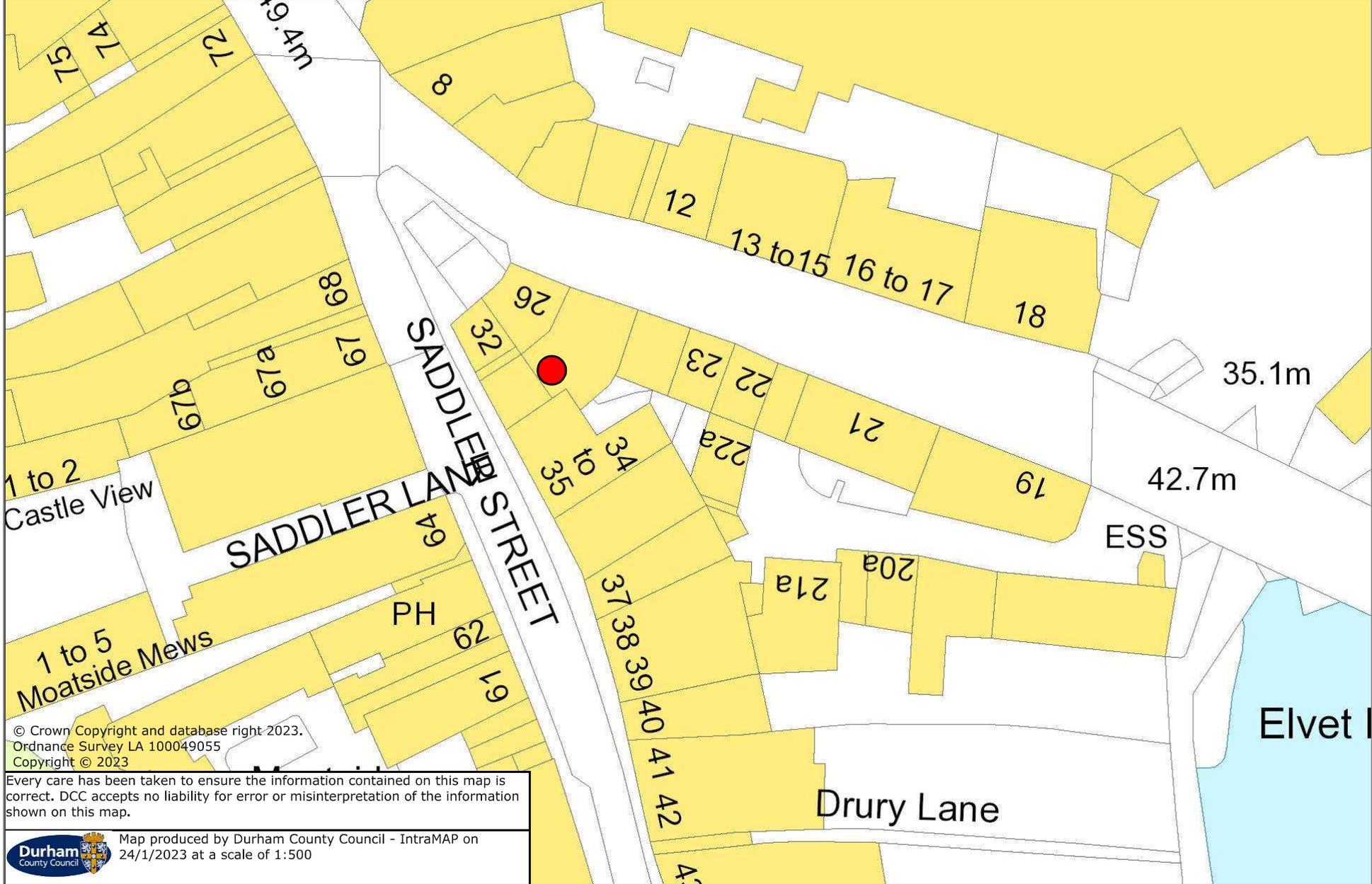
The notice of application was displayed on the premises for a period of 28 days.

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

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

Appendix 2: Location Plan

Durham County Council - IntraMAP



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



Map produced by Durham County Council - IntraMAP on
24/1/2023 at a scale of 1:500

**Appendix 3: Application Form, Amendments and Current
Premises Licence**



* required information

Section 1 of 18

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

System reference

Not Currently In Use

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

Your reference

MEF/BRI125/1

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

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Simon Paul

* Family name

Brind

* E-mail

Main telephone number

Include country code.

Other telephone number

- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

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

Continued from previous page...

Address

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text"/>

Agent Details

* First name	<input type="text" value="Matthew"/>
* Family name	<input type="text" value="Foster"/>
* E-mail	<input type="text"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

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

Are you:

- An agent that is a business or organisation, including a sole trader
 A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

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

Registration number	<input type="text"/>
Business name	<input type="text" value="Mincoffs Solicitors LLP"/>
VAT number	<input type="text"/>
Legal status	<input type="text" value="Limited Liability Partnership"/>
Your position in the business	<input type="text" value="Partner"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	<input type="text"/>
Street	<input type="text" value="Osborne Terrace"/>
District	<input type="text" value="Jesmond"/>
City or town	<input type="text" value="Newcastle upon Tyne"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="NE2 1SQ"/>
Country	<input type="text" value="United Kingdom"/>

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APPLICATION DETAILS

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

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

* Premises Licence Number

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="Blue Eye"/>
Street	<input type="text" value="25 Elvet Bridge"/>
District	<input type="text"/>
City or town	<input type="text" value="Durham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="DH1 3AA"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

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VARIATION

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

Yes No

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

Yes No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

1. Extend the hours for the supply of alcohol (on sales only) and recorded music to 02:00 Every Day, and to extend the opening hours to 02:30 every day.

2. Amended condition to read:

No persons under the age of 18 will be allowed access to the premises after 21:00.

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

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

Yes No

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Continued from previous page...

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

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

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

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

- Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

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

- Yes No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

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

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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

- Indoors Outdoors Both

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

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

State any seasonal variations for playing recorded music.

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

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

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

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

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

- Yes No

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Continued from previous page...

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

[See guidance on regulated entertainment](#)

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

- Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

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

- Yes No

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SUPPLY OF ALCOHOL

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

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

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

State any seasonal variations.

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

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

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

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ADULT ENTERTAINMENT

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

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

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

Continued from previous page...

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

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

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

The Premises Licence is with yourselves following application to vary DPS.

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LICENSING OBJECTIVES

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

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

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

No additional steps believed necessary

b) The prevention of crime and disorder

No additional steps believed necessary

c) Public safety

No additional steps believed necessary

d) The prevention of public nuisance

No additional steps believed necessary

e) The protection of children from harm

No additional steps believed necessary

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NOTES ON REGULATED ENTERTAINMENT

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

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

Continued from previous page...

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

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PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

City/Town Centre application fee Band D £900.00, Annual Charge £640

City/Town Centre application fee Band E £1905.00, Annual Charge £1050.00

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

Capacity 5000-9999 additional fee £1,000.00, annual fee £500.00

Capacity 10000 -14999 additional fee £2,000.00, annual fee £1,000.00

Capacity 15000-19999 additional fee £4,000.00, annual fee £2,000.00

Capacity 20000-29999 additional fee £8,000.00, annual fee £4,000.00

Capacity 30000-39000 additional fee £16,000.00, annual fee £8,000.00

Capacity 40000-49999 additional fee £24,000.00, annual fee £12,000.00

Capacity 50000-59999 additional fee £32,000.00, annual fee £16,000.00

Capacity 60000-69999 additional fee £40,000.00, annual fee £20,000.00

Capacity 70000-79999 additional fee £48,000.00, annual fee £24,000.00

Capacity 80000-89999 additional fee £56,000.00, annual fee £28,000.00

Capacity 90000 and over additional fee £64,000.00, annual fee £32,000.00

* Fee amount (£)

DECLARATION

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

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

Continued from previous page...

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

* Full name	<input type="text" value="Matthew Foster"/>
* Capacity	<input type="text" value="Applicant's Solciitor"/>
* Date	<input type="text" value="13"/> / <input type="text" value="12"/> / <input type="text" value="2022"/> dd mm yyyy

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

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

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

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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="MEF/BRI125/1"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

From: Helen Johnson - Licensing Team Leader (N'hoods)
Sent: 09 January 2023 12:40
To: Matt Foster; Alan Newcombe; Caroline Dickenson
Cc: Kelly Hyde; Karen Robson; Tracey Lock; Yvonne Raine
Subject: RE: :RE: VARIATION OF A PREMISES LICENCE - BLUE EYE 25 ELVET BRIDGE DURHAM DH1 3AA

Hi Matt

I can confirm receipt of the email and the application is modified accordingly.

Thanks

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

From: Matt Foster
Sent: 09 January 2023 11:50
To: Alan Newcombe
Caroline Dickenson
Cc: Helen Johnson - Licensing Team Leader (N'hoods)
Kelly Hyde
Subject: RE: VARIATION OF A PREMISES LICENCE - BLUE EYE 25 ELVET BRIDGE DURHAM DH1 3AA

IMPORTANT: This email and its content are subject to the legal notices at the bottom of the email. You must read these carefully before reading the email or opening any attachments.

Hi Alan,

Thank you for your email.

I can confirm that I have instructions to agree the amended hours as set out below, to modify the variation application we have made.

Helen – can you please confirm receipt, and that the application is modified accordingly?

Kind regards,

Matt

Mincoffs
SOLICITORS

Matt Foster
Partner

From: Alan Newcombe
Sent: 09 January 2023 11:44
To: Matt Foster

Caroline Dickenson

Subject: RE: VARIATION OF A PREMISES LICENCE - BLUE EYE 25 ELVET BRIDGE DURHAM DH1 3AA

Matt, Helen,

Based on the mediated times by PCSO Hyde with sales of alcohol to cease at 1:30am and the premises to close at 2am, Durham Police will not be objecting to this application.

Regards

Alan Newcombe
PC 1291
Durham Constabulary
Licensing economy team
Annand House Meadowfield

From: Matt Foster
Sent: 09 January 2023 09:12
To: Kelly Hyde
Cc: Alan Newcombe
Subject: RE: VARIATION OF A PREMISES LICENCE - BLUE EYE 25 ELVET BRIDGE DURHAM DH1 3AA

Hi Kelly,

Please can you confirm that if we agree to a reduction in hours, that the Police would not be submitting a representation?

Kind regards,

Matt

Mincoffs
SOLICITORS

Matt Foster
Partner

From: Kelly Hyde

Sent: 21 December 2022 14:27

To: Matt Foster

Subject: VARIATION OF A PREMISES LICENCE - BLUE EYE 25 ELVET BRIDGE DURHAM DH1 3AA

Hello,

I am in receipt of the variation application for the above premises and would like to ask you to speak with your client to consider reducing the opening hours and the sale of alcohol. To keep the premises in line with other licensed premises in the area we would like to cease the sale of alcohol at 1.30am and to close by 2am. Please let me know if this is agreeable.

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: Matt Foster
Sent: 11 January 2023 10:54
To: Karen Robson
Cc: Helen Johnson - Licensing Team Leader (N'hoods)
Subject: RE: VARIATION OF A PREMISES LICENCE - BLUE EYE 25 ELVET BRIDGE DURHAM
DH1 3AA

Hi Karen,

I would usually have recorded music in line with opening times. I will take instructions, but we are currently looking at the noise impact and issues raised in regard to planning.

Regards,

Matt

Matt Foster
Partner

From: Karen Robson

Sent: 11 January 2023 10:52

To: Matt Foster

Cc: Helen Johnson - Licensing Team Leader (N'hoods)

Subject: FW: VARIATION OF A PREMISES LICENCE - BLUE EYE 25 ELVET BRIDGE DURHAM DH1 3AA

Hi Matt

I notice on your variation application you have requested the increase of recorded music until 2am. Can you clarify the position on this activity as your email only refers to alcohol and closure times.

Thanks, Karen

Karen Robson

Senior Licensing Officer

Community Protection Service

Neighbourhood and Climate Change

Durham County Council

Annand House

Meadowfield

Durham

DH7 8RS



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

DCCC/PLA0481
13 March 2019
01 April 2022

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
BLUE EYE 25 ELVET BRIDGE DURHAM CITY DH1 3AA	DURHAM COUNTY COUNCIL NEIGHBOURHOODS AND CLIMATE CHANGE COMMUNITY PROTECTION LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number:	

Where the licence is time limited the dates
N/A

Licensable activities authorised by this licence
Recorded Music
Sale by retail of alcohol
Sale by retail of alcohol

Opening Hours of the Premises		
Mon	12:00-01:30	Non-standard/seasonal timings N/A
Tue	12:00-01:30	
Wed	12:00-01:30	
Thu	12:00-01:30	
Fri	12:00-01:30	
Sat	12:00-01:30	
Sun	12:00-01:30	

Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales:
ON AND OFF ALCOHOL SALES

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

<p>Recorded Music Indoors</p> <p>Mon 12:00-01:00 Tue 12:00-01:00 Wed 12:00-01:00 Thu 12:00-01:00 Fri 12:00-01:00 Sat 12:00-01:00 Sun 12:00-01:00</p>	<p>Further details</p> <p>N/A Non-standard/seasonal timings N/A</p>
<p>Sale by retail of alcohol ON SALES</p> <p>Mon 12:00-01:00 Tue 12:00-01:00 Wed 12:00-01:00 Thu 12:00-01:00 Fri 12:00-01:00 Sat 12:00-01:00 Sun 12:00-01:00</p>	<p>Further details</p> <p>N/A Non-standard/seasonal timings N/A</p>
<p>Sale by retail of alcohol OFF SALES</p> <p>Mon 12:00-23:00 Tue 12:00-23:00 Wed 12:00-23:00 Thu 12:00-23:00 Fri 12:00-23:00 Sat 12:00-23:00 Sun 12:00-23:00</p>	<p>Further details</p> <p>N/A Non-standard/seasonal timings Off sales from the premises will cease at 11pm Use of the pavement cafe will cease at 11pm and the outside seating will not be used after this time.</p>

Part 2

<p>Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence</p>	
<p>MR SIMON PAUL BRIND</p>	
<p>Registered number of holder, for example company number, charity number (where applicable)</p>	
<p>Company no:</p>	<p>N/A</p>
<p>Charity no:</p>	<p>N/A</p>

<p>Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol</p> <p>MR SIMON PAUL BRIND</p>

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

Annex 1 – Mandatory conditions

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

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

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

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

The responsible person must ensure that –

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

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

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

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

Minimum Price of Alcohol:

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

2 For the purposes of the condition:

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

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

Where –

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

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

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

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

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

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

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

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

Mandatory condition: door supervision

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

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

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

Annex 2 – Conditions consistent with the premises Operating Schedule

General

None

The Prevention of Crime & Disorder

1. Initial staff training will be carried out by the DPS or approved member of staff to ensure no alcohol is sold to anyone under the age of 18. Refresher training will be carried out every 6 months
2. Training records to be kept and maintained for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so
3. CCTV cameras should be positioned internally and externally to cover all entrances and exits to the premises used by the public. A camera should also be placed to cover the area where the sale of alcohol, to customers, occurs
4. The CCTV equipment must:
 - be maintained in good working order
 - show the correct time and date
 - provide footage showing details for evidence of identity i.e. facial / the overall view of the scene and;
 - be kept for a period of 28 days
5. The CCTV system shall incorporate a battery backup system to enable 24 hour continuous recording in case of any power blackout / failure
6. The premises licence holder must ensure there is the DPS or appointed member of staff available on the premises who is capable and competent in using the CCTV system. This to include the showing and downloading of the footage onto a disc, hard drive or memory stick when requested by the police / or local authority officer
7. The recording equipment including any discs / memory sticks shall be securely to prevent unauthorised access and under the control of a responsible named individual
8. A weekly log must be maintained and endorsed by a signature indicating the CCTV system / equipment has been checked and continues to be compliant. Where there are any failings of the system, these must be recorded stating any actions taken
9. Door supervisors will be used at the premises from 8.00pm until the premises closes on a Friday, Saturday, Sundays proceeding a Bank Holiday and Bank Holidays
10. There will be at least one door supervisor situated on the second floor of the premises when this is being used for any licensable activities
11. A log must be kept and maintained on the premises at all times which documents the following information relating to each door supervisor:
 - full name including any middle names
 - date of birth
 - SIA badge number
 - contact phone number
 - security company name
 - start and finish times at the premises

Public Safety

1. All fire exits and fire safety equipment will be clearly marked and maintained at all times
2. All staff to be aware of their requirements regarding health and safety
3. First aid facilities will be available on the premises
4. A log will be maintained and kept at the premises which detail all incidents which occur on the premises. This log will be made available to the Police and local authority officers upon request

The Prevention of Public Nuisance

1. The use of the premises pavement café will cease at 11.00pm and any use of the outside seating will not be used by patrons after this time

The Protection of Children from Harm

1. No persons under the age of 18 will be allowed access to the premises
2. The "Challenge 25" scheme will be applied by all members of staff where there is a sale of alcohol
3. "Challenge 25" signage will be displayed within the premises which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry and show when requested acceptable ID (a card bearing the PASS hologram, a photographic driving licence or a passport) if they wish to purchase alcohol
4. Staff will be trained on the "Challenge 25" scheme and what forms of identification are acceptable
5. Where a sale of alcohol is refused to a person who appears intoxicated, appears to be under 18, over 18's purchasing alcohol and passing to under 18's (proxy sales) or where entry to the premises is refused, a refusal register / log will be updated and endorsed to record the information. The register to be kept on the premises at all times and made available to police / local authority officers upon request

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

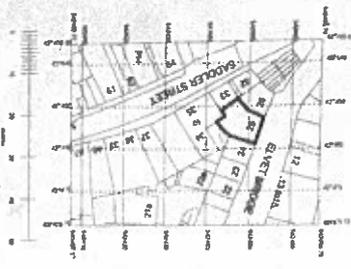
None

Annex 4 – Plans attached

Attached

2

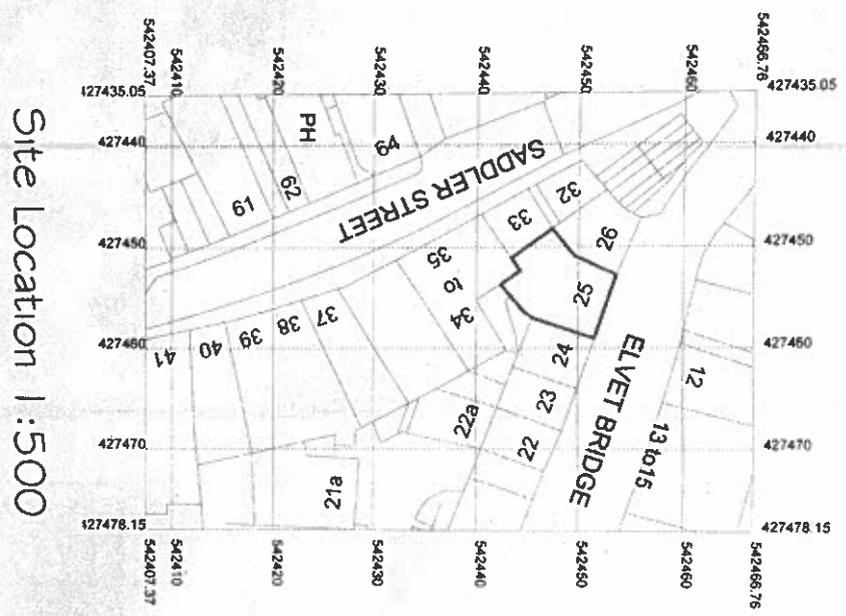
**Signature of Authorised Officer
Head of Community Protection**



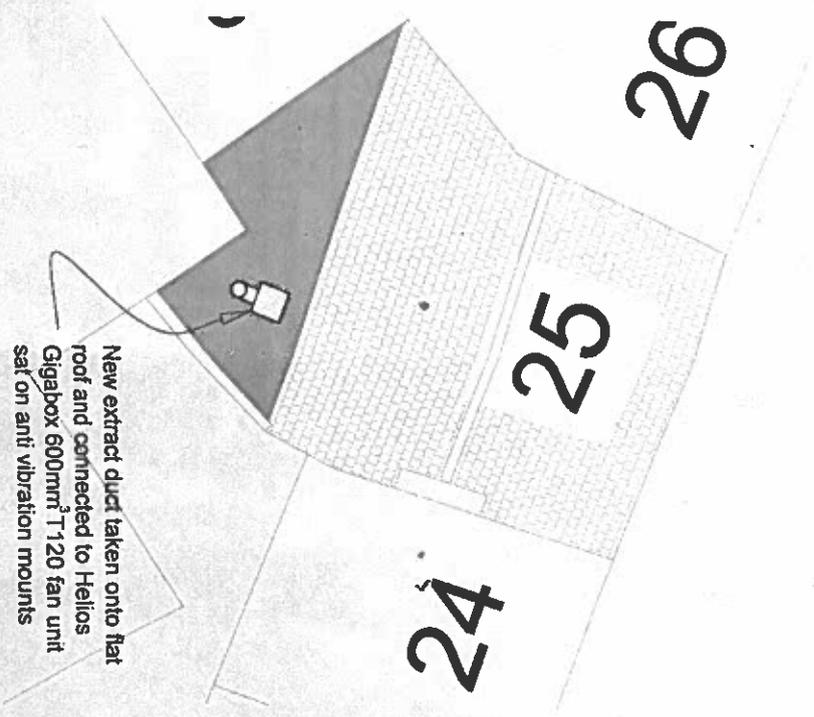
Site Location
1:1250



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Site Location 1:500



New extract duct taken onto flat
roof and connected to Helios
Gigabox 600mm² T120 fan unit
sat on anti vibration mounts

Block Plan 1:100

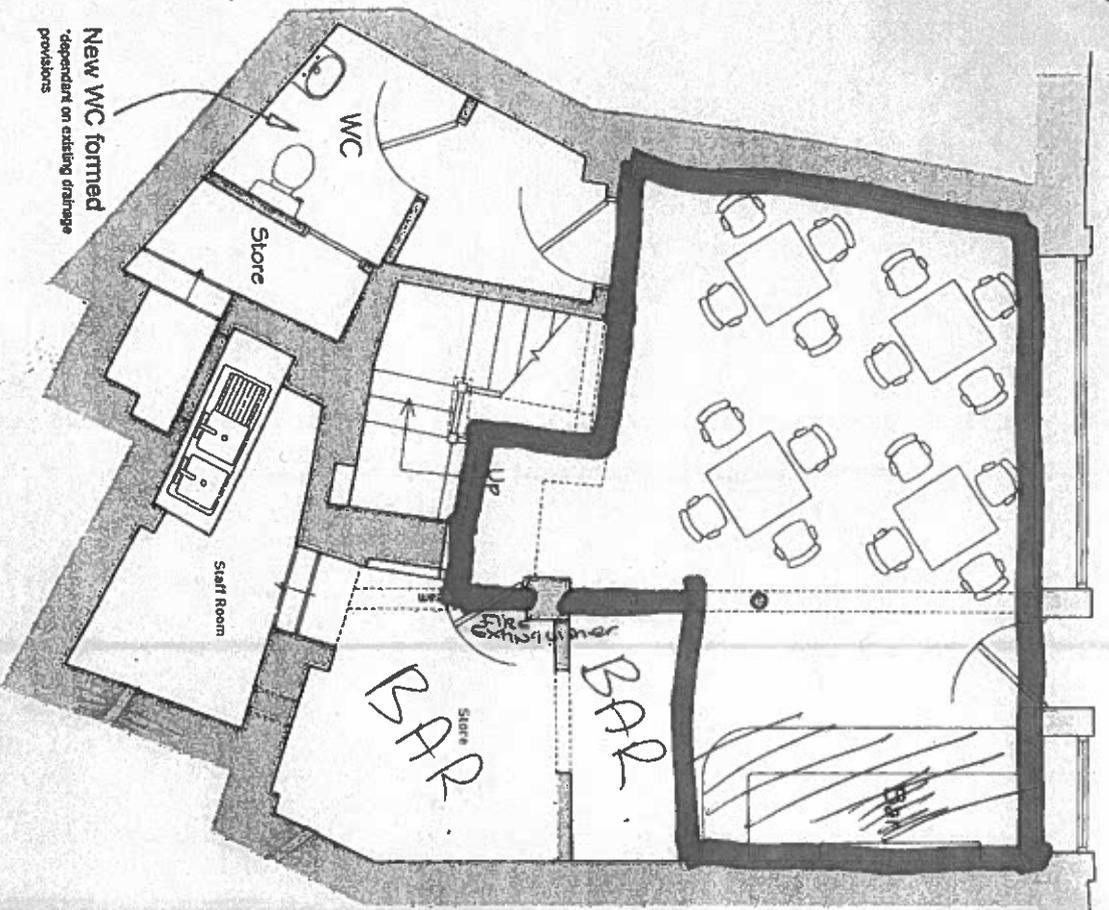
25 ELVET BRIDGE
DURHAM

SITE LOCATION PLAN

Date
19-02-2018

Drawn
P2018-25EB-04
REV B

SCALE
@ A3

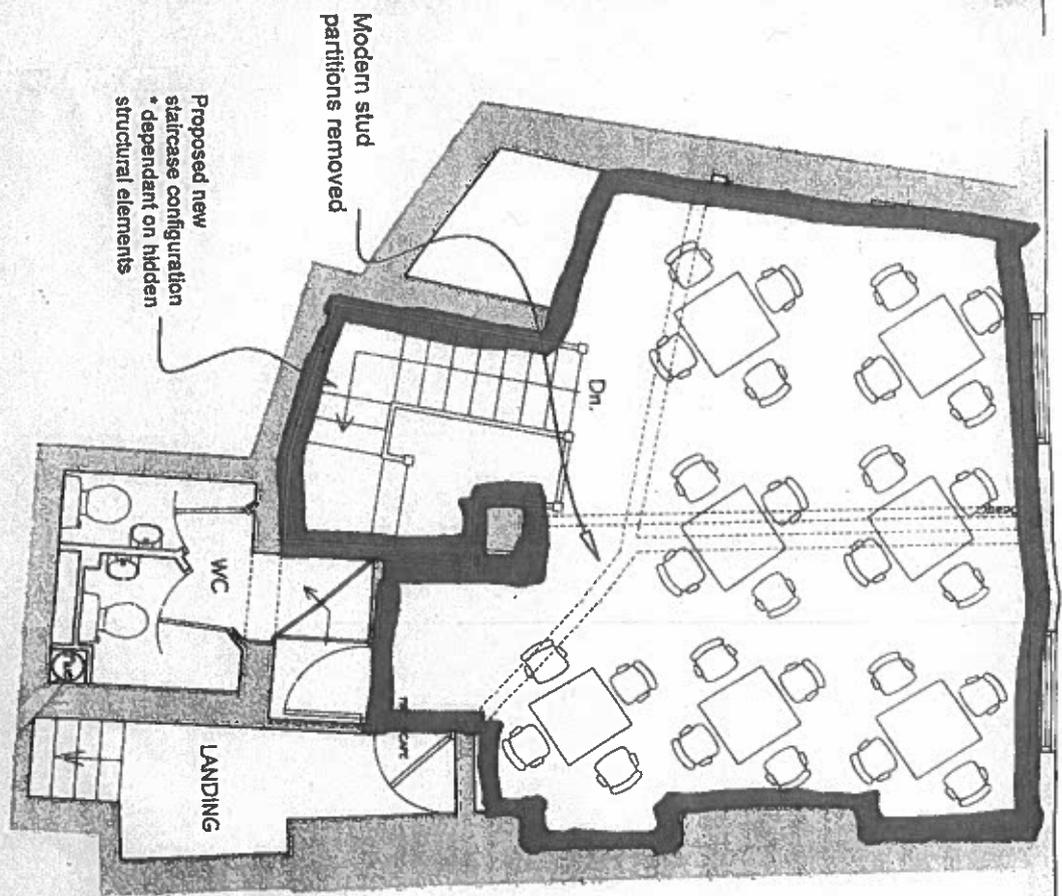


Ground Floor Plan

Gross Internal Floor (GF) 590ft²



25 EVELING BRIDGE
 DURHAM
 PROPOSED FLOOR PLANS
 15002016
 12/11/16
 1/10/16
 1/10/16

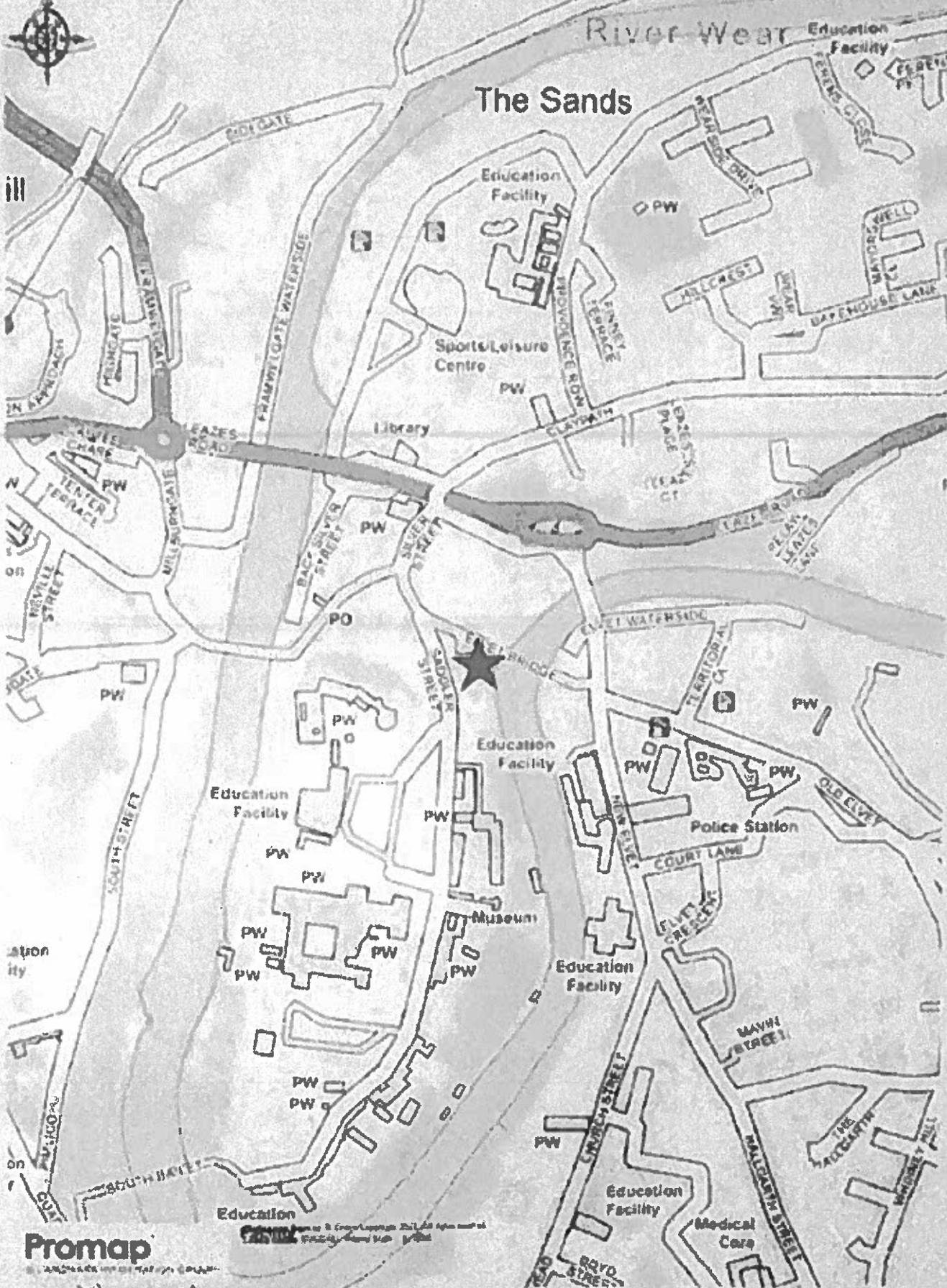


First Floor Plan





The Sands



Promap

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Appendix 4: Representation

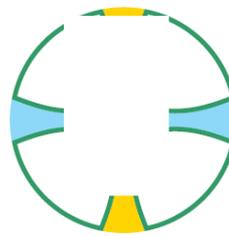
From: Adam Shanley
Sent: 18 December 2022 13:52
To: Helen Johnson - Licensing Team Leader (N'hoods)
Licensing
Subject: :Blue Eye

Hi Helen,

Please find attached a copy of my Parish Council's response to this variation application.

Best wishes,

Adam Shanley
Clerk to City of Durham Parish Council



**CITY OF DURHAM
PARISH COUNCIL**

Learning from the past.
Building for the future.

Licensing Team
Durham County Council
Annand House
8RP, John Street North
Meadowfield
Durham
DH7 8RS

City of Durham Parish Council
Office 3 D4.01d
Clayport Library
8 Millennium Place
Durham
DH1 1WA

18 December 2022

Dear Licensing team,

Re: Application to vary a premises licence by Mr Simon Paul Brind for Blue Eye 25 Elvet Bridge, Durham. DH1 3AA

With reference to the above licensing application, the City of Durham Parish Council wishes to object to this proposal under the objective of preventing a public nuisance.

It is the expectation of the Licensing Authority that, when preparing an operating schedule, applicants are required to set out the steps necessary, if any, for the promotion of the licensing objectives. In doing so, applicants are expected to have regard to the Statement of Licensing Policy and to be aware of the expectations of the licensing authority and responsible authorities in terms of the steps that are necessary to promote the licensing objectives.

The Parish Council Planning and Licensing Committee considered this application at its meeting on 9th December 2022. In reaching its decision, the Parish Council Planning and Licensing Committee had regard to the Licensing Act 2003, the Section 182 Guidance and the County Council's Statement of Licensing Policy 2019 to 2024. The Parish Council Planning and Licensing Committee feels that, should this application be granted in its current form, it will fail to uphold this important licensing objective.

Preventing a public nuisance

The prevention of public nuisance is an important licensing objective. Two of the greatest irritations to residents are noise and public nuisance associated with licensed premises. If representations are made, noise and nuisance might preclude the grant of a licence or certificate or, if one has already been granted, could be a ground for review, with a view to the imposition of further conditions or, if the licensing objectives cannot be achieved by such conditions, revocation of the licence or certificate.

When dealing with applications and issuing licences, the Council (when their discretion is engaged) is more likely to impose stricter conditions on premises operating in residential areas.

Proper consideration should therefore be given to the proximity of licensed premises not only to residents and businesses, but also in relation to other sensitive premises, to ensure they are in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives. Appendix A below sets out a list of residential properties within approximately 100 metres of this site and serves to highlight the level of residential uses within the vicinity of this premises.

This variation application seeks permission to a) extend the sale of alcohol hours (on sales) Monday to Sunday to 2.00am, b) extend the hours for recorded music Monday to Sunday to 2.00am, c) extend opening hours to 2.30am Monday to Sunday and d) amend a condition on the operating schedule to read: *“no persons under the age of 18 will be allowed access to the premises after 9.00pm”*.

At present, the premises has a license for the sale of alcohol and the playing of recorded music Monday to Sunday to 1.00am and closes at 1.30am. As such, this premises is already operating outside Durham County Council’s Licensing Framework hours for this category of premises on weekdays (i.e. “premises licensed for the sale or supply of alcohol for consumption on or off the premises e.g. pubs, social clubs and nightclubs” which are 07.00 to 00.00 weekdays and 07.00 to 01.00 on weekends) and approval of this variation would further push the hours of licensable activities beyond the framework.

Moreover, this premises gained planning permission for its current use as a drinking establishment on 19th October 2018. Condition 3 of this approval is set out as follows:

Condition 3: *The hours of operation shall be limited to be between 8am and midnight 7 days a week.*

Reason: *To reflect the hours agreed with the applicant on the 17th October 2018 to protect the residential amenity of the area in accordance with Policy H13 of the City of Durham Local Plan 2004 and promote safe communities in accordance with Part 8 of the National Planning Policy Framework.*

At present, this premises is operating outside the hours restricted by its planning approval. Clearly the issue of residential amenity was a concern to the Council in 2018, such that the hours of operation were limited to those set out at Condition 3 of the planning approval and both the Environmental Health team and the Police both insisted on a midnight closing time in 2018 accordingly. This premises should conform with these conditions, particularly given its proximity to residential accommodation.

The Parish Council is unclear as to why the applicant is requesting permission for the additional hours for this premises. This is not only in conflict with the County Council’s Licensing Framework hours, the planning conditions for this premises but also the resident led *“Shh...11pm-7am”* campaign. This application causes real concern regarding the potential of a public nuisance in the form of late-night noise to local residents. Durham is a small, compact city centre with many residential streets in very close proximity to one another. The

Parish Council believes that full consideration should be given to the risk of disturbance to residents. As such, the Parish Council objects to this license and its proposed operating hours in the interests of preventing a public nuisance.

This application should be refused in its present form.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council

Appendix A – list of nearby residential dwellings (within approximately 100 metres of the application site).

13 Elvet Bridge, Durham, DH1 3AA

12a Elvet Bridge, Durham, DH1 3AA

35 Saddler Street, Durham, DH1 3NU

38 Saddler Street, Durham, DH1 3NU

Flat, 59 Saddler Street, Durham, DH1 3NU

44 Saddler Street, Durham, DH1 3NU

67a Saddler Street, Durham, DH1 3NP

Bedsit, 45-46 Saddler Street, Durham, DH1 3NU

Managers Flat, 45-46 Saddler Street, Durham, DH1 3NU

64b Saddler Street, Durham, DH1 3PG

67b Saddler Street, Durham, DH1 3NP

64 Saddler Street, Durham, DH1 3PG

74 Saddler Street, Durham, DH1 3NP

2, Castle View, Saddlers Lane, Durham, DH1 3NY

78b Saddler Street, Durham, DH1 3NP

75 Saddler Street, Durham, DH1 3NP

78a Saddler Street, Durham, DH1 3NP

78c Saddler Street, Durham, DH1 3NP

1, Castle View, Saddlers Lane, Durham, DH1 3NY

6 Saddlers Lane, Durham, DH1 3NY

From: Adam Shanley
Sent: 10 January 2023 12:36
To: Karen Robson
Subject: :Re: VARIATION OF A PREMISES LICENCE - BLUE EYE 25 ELVET BRIDGE
DURHAM DH1 3AA

Dear Karen,

Many thanks for your email.

Just to confirm that we will be maintaining our objection to this application. We would like the hours to remain within the framework hours please.

Best wishes,

Adam Shanley
Clerk to City of Durham Parish Council

On Mon, 9 Jan 2023 at 13:05, Karen Robson

Afternoon Adam

We have received an amendment to the current variation application as detailed below, following communications between Durham Constabulary and the licence holder's solicitor.

Could you therefore let me know whether or not the City of Durham Parish Council are also satisfied with these adjustments and wish to withdraw their objection:

“Sales of alcohol to cease at 1:30am and the premises to close at 2am”

I look forward to hearing from you by return.

Regards, Karen

Karen Robson

Senior Licensing Officer

Community Protection Service

Neighbourhood and Climate Change

Durham County Council

Annand House

Meadowfield

Durham

DH7 8RS

Appendix 5: Responsible Authorities Comments

Contact: Jess White
Direct Tel:
email:
Your ref:
Our ref: CON28/22/03497



Tracey Marie Lock
Annand House
Meadowfield
Durham
DH7 8RS

20th December 2022

Dear Tracey Marie Lock

Town and Country Planning Act 1990 (as amended)

Proposed Variation of a premises licence
At 25 Elvet Bridge Durham DH1 3AA
For Tracey Marie Lock

A consultation has been forwarded on to the Local Planning Authority regarding the Variation of a premises licence.

The applicant is required to formally discharge the planning conditions attached to DM/18/02199/FPA where condition 3 relates to the opening hours;

The hours of operation shall be limited to be between 8am and midnight 7 days a week.

Reason: To reflect the hours agreed with the applicant on the 17th October 2018 to protect the residential amenity of the area in accordance with Policy H13 of the City of Durham Local Plan 2004 and promote safe communities in accordance with Part 8 of the National Planning Policy Framework.

Therefore, a details reserved by condition application is required to be submitted to the local planning authority prior to any works commencing on site. Unfortunately I am unable to advise whether the proposed opening hours will be considered acceptable due to the limited information.

Yours sincerely

Jess White
Assistant Planning Officer

Regeneration, Economy and Growth

Durham County Council, Planning Development (Central East), Room 4/86-102, County Hall,
Durham, DH1 5UL

From: Public Health
Sent: 13 December 2022 16:35
To: Helen Johnson - Licensing Team Leader (N'hoods); AHS Licensing
Cc: Tracey Lock
Subject: RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - VARIATION OF A PREMISES LICENCE - BLUE EYE 25 ELVET BRIDGE DURHAM DH1 3AA

Dear Colleagues

I have received an application to vary a licence for the establishment: BLUE EYE 25 ELVET BRIDGE DURHAM DH1 3AA

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

My Ref: PH/2021/0264

Kind regards

Jade Tunney
Public Health Management Support Administrator
Resources - Procurement, Sales & Business Services

Durham County Council
Room 3/56 – 3/71
Durham County Council
County Hall, DH1 5UJ

20th December 2022

Simon Paul Brind,

Dear Sir,

Re: Application for a Variation of Premises License – Blue Eye Durham

I represent the Durham Safeguarding Children Partnership (DSCP) which is a responsible authority under the Licensing Act.

I can confirm that based on the information you have provided, the Durham Safeguarding Children Partnership has no comments or objections.

Regards

TRACY MARATTY
Safeguarding Children Partnership Administration Officer
Durham Safeguarding Children Partnership



Chief Fire Officer: Stuart Errington

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

Date: 18 December 2022

This matter is being dealt with by: Daniel Smith

Ext:

Our Ref: 2A40850025

Your Ref: N/A

Dear Tracey

Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005
Blue Eye Bar, 25 Elvet Bridge, Durham, DH1 3AA

I acknowledge your application dated 13 December 2022 for a Variation to 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.

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


Daniel Smith
Fire Safety Section

Appendix 6: Statement of Licensing Policy

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.

Appendix 7: Section 182 Guidance

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.