

## Statutory Licensing Sub-Committee

2nd June 2023

Application for the grant of a  
Premises Licence

Ordinary Decision



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

**Councillor John Shuttleworth, Cabinet Portfolio Holder for Rural  
Communities and Highways**

**Electoral division(s) affected:**

Dawdon and Seaham

### **Purpose of the Report**

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a Premises Licence for Hidden on the Harbour, 4 North Terrace, Seaham, SR7 7EU. A plan showing the location of the premises is attached at Appendix 2.

### **Executive summary**

- 2 The application requests the granting of a new Premises Licence which was submitted to the Licensing Authority on 6<sup>th</sup> April 2023 by Mr Michael Downey.
- 3 The application originally requested the following activity:
  - Live and Recorded Music (Indoors) Sunday to Thursday from 23:00 hrs – 00:00 hrs and Friday to Saturday 23:00 hrs – 01:00 hrs. Boxing Day, New Year's Eve and Sundays preceding a Bank Holiday Monday from 23:00 hrs – 01:00 hrs.
  - Late Night Refreshment (Indoors) Sunday to Thursday from 23:00 hrs – 00:00 hrs and Friday to Saturday 23:00 hrs – 01:00 hrs Boxing Day, New Year's Eve and Sundays preceding a Bank Holiday Monday from 23:00 hrs – 01:00 hrs.
  - Sale by retail of alcohol (On the Premises) Sunday to Thursday from 08:00 hrs – 00:00 hrs and Friday to Saturday 08:00 hrs – 01:00 hrs. Boxing Day, New Year's Eve and Sundays preceding a Bank Holiday Monday from 08:00 hrs – 01:00 hrs.

Opening Hours from Sunday to Thursday from 08:00 hrs – 00:00 hrs and Friday to Saturday 08:00 hrs – 01:00 hrs. Boxing Day, New Year's Eve and Sundays preceding a Bank Holiday Monday from 08:00 hrs – 01:00 hrs.

- 4 During the consultation period, the Licensing Authority received three objections to the application from other persons, namely Ms Aylott, Mr Mongan and Ms Maddox.
- 5 Responses were received from Durham County Council's Environmental Health, the Durham Safeguarding Children Partnership, County Durham and Darlington Fire Safety Authority and Durham Constabulary all confirming they had no comments to make regarding the application.
- 6 Following mediation, the applicant agreed to amend the activities to the following:
  - Live Music (Indoors) Removed this activity as now deregulated – Monday to Sunday - Non-standard timings to remain
  - Recorded Music (Indoors) Removed this activity Monday to Thursday as now deregulated - Non-standard timings to remain
  - Recorded Music (Indoors) Sunday 23:00 hrs – 23:30 hrs  
Non-standard timings to remain
  - Sale by retail of alcohol (On the premises)  
Monday to Thursday from 11:00 hrs – 23:00 hrs  
Friday to Saturday 11:00 hrs – 01:00 hrs  
Sunday 11:00 hrs – 23:30 hrs  
Non-standard timings to remain
  - Late Night Refreshment (Indoors) Removed this activity Monday to Sunday - Non-standard timings to remain

For Members information: Live and recorded music in licensed premises is deregulated (not licensable) between 8.00 hrs and 23.00 hrs when alcohol is being sold and there are less than 500 persons present.

- 7 Following the amendments by the applicant, Ms Aylott and Mr Mongan withdrew their representations.

## 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 Michael Downey	
Type of Application: <b>New Premises Licence</b>	Date received: <b>6th April 2023</b>	Consultation ended: <b>4th May 2023</b>

## Details of the application

- 11 An application for the grant of a new Premises Licence was received by the Licensing Authority on 6<sup>th</sup> April 2023. A copy of the application and subsequent amendments are attached at Appendix 3.
- 12 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 13 The 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's Operating Schedule.

14 The activities requested are as follows:

Original Requested Licensable Activities and times	Proposed Licensable Activities and times (After amendments)
<p>Live Music (indoors)</p> <p>Sunday to Thursday from 23:00 hrs – 00:00 hrs Friday to Saturday 23:00 hrs – 01:00 hrs</p> <p>Boxing Day, New Year’s Eve and Sundays preceding Bank Holiday Mondays 23:00 hrs – 01:00 hrs</p>	<p>Live Music (indoors)</p> <p>Removed</p> <p>Boxing Day, New Year’s Eve and Sundays preceding Bank Holiday Mondays 23:00 hrs – 01:00 hrs</p>
<p>Recorded Music (indoors)</p> <p>Sunday to Thursday from 23:00 hrs – 00:00 hrs Friday to Saturday 23:00 hrs – 01:00 hrs</p> <p>Boxing Day, New Year’s Eve and Sundays preceding Bank Holiday Mondays 23:00 hrs – 01:00 hrs</p>	<p>Recorded Music (indoors)</p> <p>Monday to Thursday - Removed</p> <p>Friday to Saturday 23:00 hrs – 01:00 hrs Sunday 23:00 hrs – 23:30 hrs</p> <p>Boxing Day, New Year’s Eve and Sundays preceding Bank Holiday Mondays 23:00 hrs – 01:00 hrs</p>
<p>Late Night Refreshment (indoors)</p> <p>Sunday to Thursday from 23:00 hrs – 00:00 hrs Friday to Saturday 23:00 hrs – 01:00 hrs</p> <p>Boxing Day, New Year’s Eve and Sundays preceding Bank Holiday Mondays 23:00 hrs – 01:00 hrs.</p>	<p>Activity Removed</p> <p>Boxing Day, New Year’s Eve and Sundays preceding Bank Holiday Mondays 23:00 hrs – 01:00 hrs.</p>

<p>Sale by retail of Alcohol (On the Premises)</p> <p>Sunday to Thursday from 08:00 hrs – 00:00 hrs Friday to Saturday 08:00 hrs – 01:00 hrs</p> <p>Boxing Day, New Year’s Eve and Sundays preceding Bank Holiday Mondays 08:00 hrs – 01:00 hrs.</p>	<p>Sale by retail of Alcohol (On the Premises)</p> <p>Monday to Thursday from 11:00 hrs – 23:00 hrs Friday to Saturday 11:00 hrs – 01:00 hrs Sunday 11:00 hrs – 23:30 hrs</p> <p>Boxing Day, New Year’s Eve and Sundays preceding Bank Holiday Mondays 08:00 hrs – 01:00 hrs.</p>
<p>Open to the public</p> <p>Sunday to Thursday from 08:00 hrs – 00:00 hrs Friday to Saturday 08:00 hrs – 01:00 hrs</p> <p>Boxing Day, New Year’s Eve and Sundays preceding Bank Holiday Mondays 08:00 hrs – 01:00 hrs</p>	<p>Open to the public</p> <p>Monday to Thursday from 09:00 hrs – 23:00 hrs Friday to Saturday 09:00 hrs – 01:00 hrs Sunday 09:00 hrs – 23:30 hrs</p> <p>Boxing Day, New Year’s Eve and Sundays preceding Bank Holiday Mondays 08:00 hrs – 01:00 hrs.</p>

## The Representations

- 15 During the consultation period, the Licensing Authority received three objections from other persons, however, following the amendments to the application, Ms Aylott and Mr Mongan withdrew their representations, leaving one remaining objection:
- Ms Maddox (other person)
- 16 The Licensing Authority deemed the objection/representation as relevant, relating to the following licensing objective:
- The Prevention of Public Nuisance

A copy of the objection/representation is attached at Appendix 4.

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

- Durham County Council's Environmental Health Department
- Durham Safeguarding Children Partnership
- County Durham and Darlington Fire Safety Authority
- Durham Constabulary

Copies of these responses are attached at Appendix 5.

## **The Parties**

18 The Parties to the hearing will be:

- Mr Downey (applicant)
- Ms Maddox (other person)

## **Options**

19 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*

20 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*

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

See Appendix 1

## **Conclusion**

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

## **Background papers**

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

## **Other useful documents**

- None

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**Contact:** Karen Robson

Tel: 03000 265104

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## **Appendix 1: Implications**

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### **Legal Implications**

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

In this case it was summed up that:

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

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

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

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

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

### **Consultation**

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

The Responsible Authorities were consulted on the application.

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

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

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

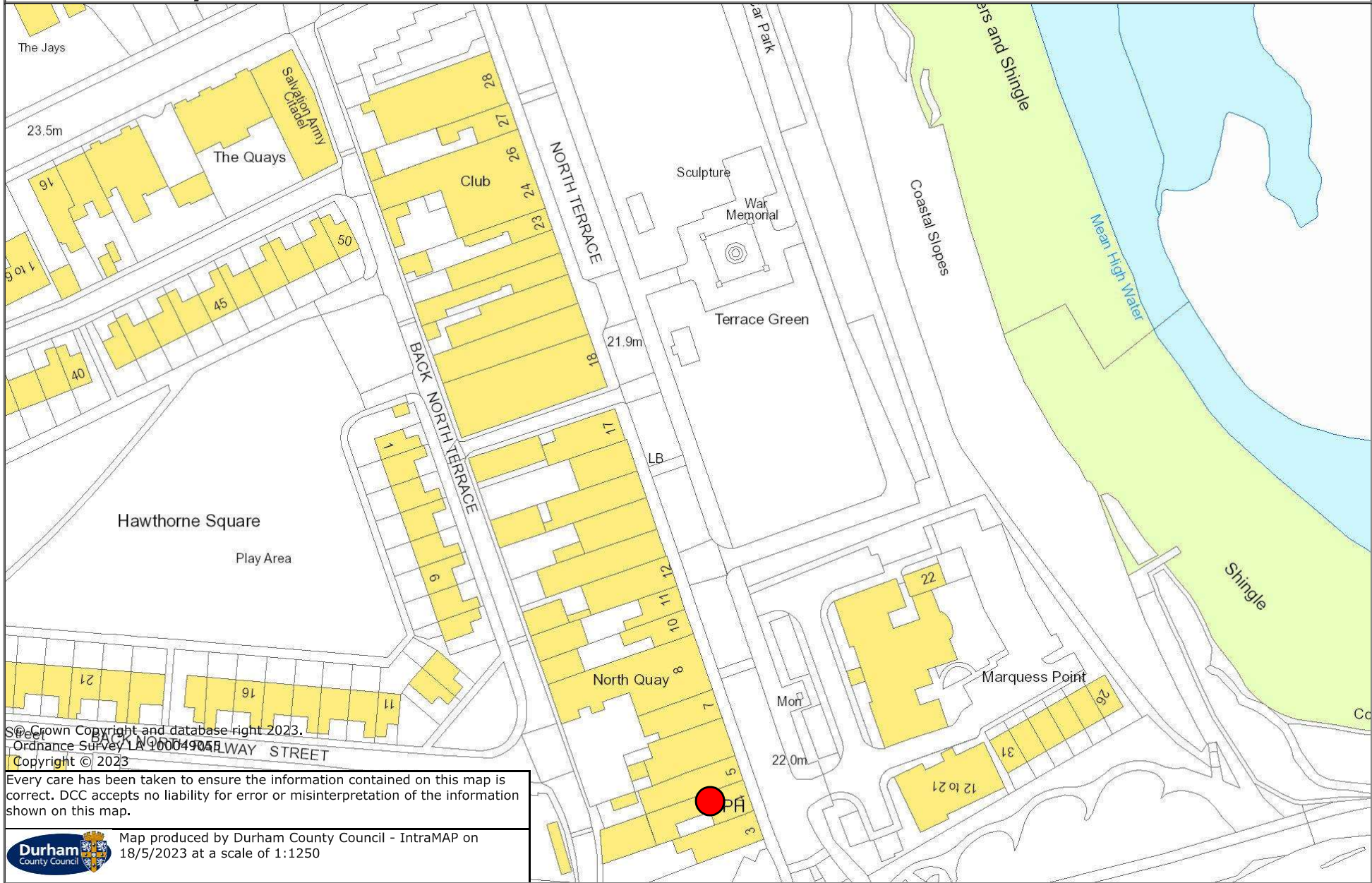


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## **Appendix 2: Location Plan**

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# Durham County Council - IntraMAP



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

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We MICHAEL DOWNER  
(Insert name(s) of applicant)

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
HIDDEN ON THE HARBOUR 4 NORTH TERRACE			
Post town	SEAHAM	Postcode	SR7 7EY

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 6,400

**Part 2 - Applicant details**

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

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
- i as a limited company/limited liability partnership  please complete section (B)
  - ii as a partnership (other than limited liability)  please complete section (B)
  - iii as an unincorporated association or  please complete section (B)
  - iv other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

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

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

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a  
 statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(B) OTHER APPLICANTS**

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

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
3	0	042023

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

DD	MM	YYYY

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

**BAR BISTRO**

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

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



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



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



**A**

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>

**B**

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>

**E**

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
MON	23.00	00.00	Boxing Day : 23.00 - 01.00 NEW YEARS EVE : 23.00 - 01.00 SUNDAY PRECEDING A BANK HOLIDAY Monday : 23.00 - 01.00		
TUE	23.00	00.00			
WED	23.00	00.00			
THURS	23.00	00.00			
FRI	23.00	01.00			
SAT	23.00	01.00			
SUN	23.00	00.00			

**F**

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23.00	00.00	Boxing Day : 23.00 - 01.00 NEW YEARS EVE : 23.00 - 01.00 SUNDAY PRECEDING A BANK HOLIDAY MONDAY : 23.00 - 01.00		
Tue	23.00	00.00			
WED	23.00	00.00			
THU	23.00	00.00			
Fri	23.00	01.00			
SAT	23.00	01.00			
SUN	23.00	00.00			

**G**

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> 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		Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>



I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
MON	23.00	00.00	BOXING DAY: 23.00 - 01.00 NEW YEARS EVE: 23.00 - 01.00 SUNDAY PRECEDING A BANK HOLIDAY MONDAY: 23.00 - 01.00		
TUE	23.00	00.00			
WED	23.00	00.00			
THU	23.00	00.00			
FRI	23.00	01.00			
SAT	23.00	01.00			
SUN	23.00	00.00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<p>Boxing Day : 08.00 - 01.00            NEW YEARS EVE : 08.00 - 01.00</p> <p>SUNDAY PRECEDING A BANK            HOLIDAY MONDAY : 08.00 - 01.00 .</p>		
MON	08.00	00.00			
TUE	08.00	00.00			
WED	08.00	00.00			
THU	08.00	00.00			
FRI	08.00	01.00			
SAT	08.00	01.00			
SUN	08.00	00.00			

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

Name <u>MICHAEL DOWNEY</u>	
Date of birth	
Address -	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

**K**

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

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
MON	08.00	00.00	<p>SUNDAY PRECEDING A BANK HOLIDAY            MONDAY : 08.00 - 01.00</p> <p>BOXING DAY : 08.00 - 01.00</p> <p>NEW YEARS EVE : 08.00 - 01.00</p>
TUE	08.00	00.00	
WED	08.00	00.00	
THU	08.00	00.00	
FRI	08.00	01.00	
SAT	08.00	01.00	
SUN	08.00	00.00	

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

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

The Licensee, that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

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

Any incidents of a criminal nature that may occur on the premises will be reported to the Police.

The Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises.

The CCTV system shall conform to the following points:

1. Cameras must be sited to observe the entrance and exit doors both inside and outside.
2. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
3. Cameras viewing till areas must capture frames not less than 50% of screen.
4. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
5. Be capable of visually confirming the nature of the crime committed.
6. Provide a linked record of the date, time and place of any image.
7. Provide good quality images –colour during opening times.
8. Operate under existing light levels within and outside the premises.
9. Have the recording device located in a secure area or locked cabinet.
10. Have a monitor to review images and recorded picture quality.
11. Be regularly maintained to ensure continuous quality of image capture retention.
12. Have signage displayed in the customer area to advise that CCTV is in operation.
13. Digital images must be kept for 31 days.
14. Police will have access to images at any reasonable time.
15. The equipment must have a suitable export method, e. G. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.

**c) Public safety**

Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually.

All emergency exits shall be kept free from obstruction at all times.

**d) The prevention of public nuisance**

All customers will be asked to leave quietly.

Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

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

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

All staff will be trained for UNDERAGE SALES PREVENTION regularly.

A register of refused sales shall be kept and maintained on the premises.

**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.**

<b>Declaration</b>	<ul style="list-style-type: none"><li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li><li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or</li></ul>
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	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	29/03/2023
Capacity	Director

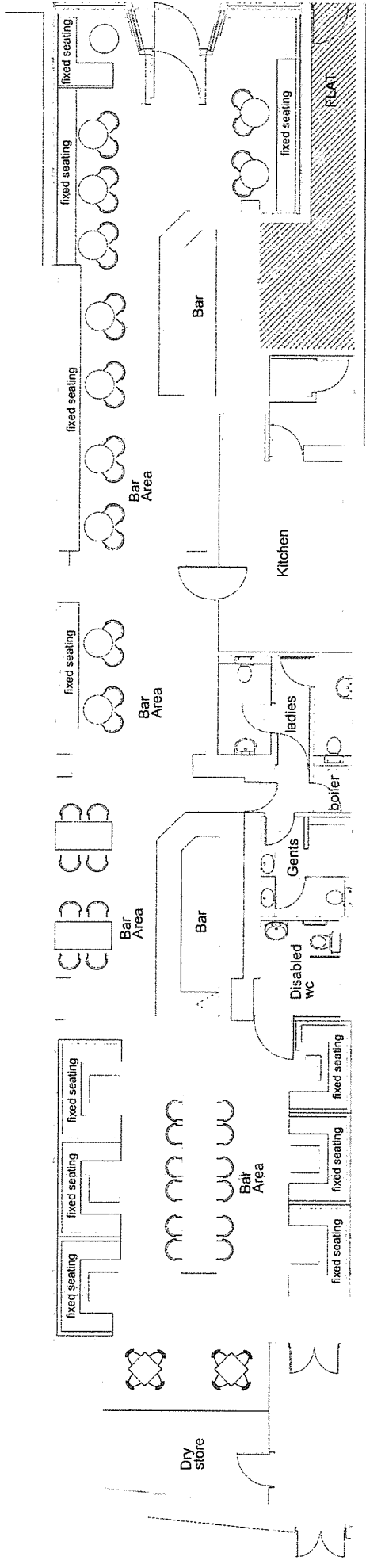
**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

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)	







# LICENSING PLAN

REF	SYMBOL	DESCRIPTION
		<p>PLEASE REFER TO SECTION 21 FOR FURTHER INFORMATION ON THE REQUIREMENTS FOR LICENSING PLANS. THE PLAN IS TO BE USED IN CONJUNCTION WITH THE CURRENT STANDARDS &amp; LEGISLATION.</p> <p>Seating and tables shall be provided for the number of persons specified in the table below. The tables shall be provided in accordance with the current standards and legislation.</p> <p>Seating and tables shall be provided for the number of persons specified in the table below. The tables shall be provided in accordance with the current standards and legislation.</p> <p>Seating, ventilation and security systems shall be provided in accordance with the current standards and legislation.</p>
		<p>extractor fan with timer option</p> <p>automatic detector</p> <p>heat detector</p> <p>audible/visual warning device</p> <p>emergency lighting</p> <p>main control panel</p> <p>main exit storage</p> <p>fire exit signage</p> <p>over glass call point</p> <p>instruction notices in case of fire</p>
	FIRE DOOR KL	<p>No requirement</p> <p>Twenty min fire resisting door</p> <p>Heat flow fire resisting door FD30S with intumescent smoke seal</p> <p>As above with self closer</p> <p>As above with vision pane</p>
	FIRE EXTINGUISHER CARBON DIOXIDE type	
	FIRE EXTINGUISHER AFFF type	
	FIRE BLANKET	

PROJECT: LICENSING

CLIENT: HIDDEN BY THE HARBOUR

ADDRESS: 10000 SEAHAM TERRACE

REF: SR77EU

PROJECT NO: C-01

DATE: MAR 23 1:50@A1

SCALE: 1:100@A0

DESIGNER: ROBBIE HADFIELD ARCHITECTS

DATE: 23/03/2023

SCALE: 1:100@A0

PROJECT: LICENSING

CLIENT: HIDDEN BY THE HARBOUR

ADDRESS: 10000 SEAHAM TERRACE

REF: SR77EU

## **Additional Information from Applicant**

To whom it may concern,

I am writing this email to give anyone reading a better idea of who I am, how my company is run and my intention for 4 North Terrace, Seaham. As a family, the Downey's have had numerous businesses around the North East in the hospitality and food industry. My father Michael Downey SNR has been in the business for over 60 years and is still now working in the industry as Downey's fish shops. As an individual, I have been in the leisure industry from the age of 15 working in both family companies and others, working my way up in all kinds of job roles including: food running, bar, security and management so I have a wealth of experience and passion for the sector. As a businessman, I branched out on my own 17 years ago and have invested my time and finances in bars, nightclubs, restaurants and cafes in Sunderland and I am extremely enthusiastic about launching this new venture 'Hidden on the harbour – bar and bistro' in Seaham which has been in the works since 2018.

My wife and I had a few businesses that we lost due to the Covid and coming out of the pandemic, the only business we had left was the 'Keel lounge' café bistro on the High Street in Sunderland which is a very popular venue having been there over 5 years with a 5\* food hygiene rating and the vacant property 'Wishing Well' (4 North Terrace). Since coming out of lockdown, we have opened Hidden cocktail bar / roof terrace and Trilogy in an iconic building in Sunderland city centre, the Galen building.

The premises, formally known as 'The wishing well' was taken over by my wife and I 5 years ago. At the time, it held an alcohol licence. Due to a heart-attack in Feb 2020, I was unable to proceed with the redecoration and rebuild inside. Now that I am in better health, I am able to complete this project which has been in the works since 2018. Despite not being eligible for any grants from the government as we were not open, we persevered to hold onto the venue as we believed in the vision we had and I am happy to report, we are almost over the finishing line after we have meeting our contractual rent agreements (even through the pandemic) and have completely renovated the inside of 4 North Terrace, formally the 'Wishing Well' at a very high quality so that we compliment neighbouring businesses such as: The Lamp rooms, Clean Bean etc and will bring additional employment of around 15-20 people to the area as well as giving the residents and visitors to Seaham another attraction to the seafront.

We have added a lobby to the venue with an extra set of doors to alleviate any sound bleed from the premises. Previously, the Wishing Well venue had a 1.00am licence which is what we are applying for and is also what neighbouring venues have on North Terrace. Although it may not be required and we won't know how trade is until we open, we intend to be open 7 days a week as a bar bistro with a full food menu serving both alcoholic and non-alcoholic beverages including craft ales and cocktails and would be open later on weekends than weekdays as you'd expect. In this scenario, we would of course use our SIA registered security personnel to ensure the safety of customers and the wider public was the top priority. Before we open the premises, we would train all staff members in the licencing objectives and would

ensure there is always personal licence holder on the premises during opening hours.

We have had a kitchen put in so we can now sell food which was never done at the property previously. The premises going forward will be known as 'Hidden on the Harbour – bar and bistro.' We have another brand, Tequila Tequila Mexican which will feature in some dishes on the menu. We are intending on offering Mon – Sat table service with meals and Sunday lunches, Friday and Saturday evenings tapas will be served as well as: fine wines, cocktails, ales and craft beers. We will be operating challenge 25 and a strictly over 21 policy from 7.00pm which proved to be extremely positively received in our Hidden Sunderland venue which in turn, attracted a more mature and sensible clientele.

I am confident that this venue will be an asset to the Seaham seafront and wider community and would encourage local residents to come and see how we have transformed and improved the venue, offering a vibrant new lease of life to a premises which has stood empty for years. I passionately believe in this project, what we are aiming to achieve and welcome any opportunities to share this in person with anyone who's interested in popping in for a chat. I hope after reading this, it offers more clarity on the direction of the venue and I hope you'd be able to visit us once we open to see the work that has gone into the building.

Yours Sincerely,

Michael Downey

## **Amendments received from applicant**

Hello Valerie

I have taken into consideration the local residents concerns and I would to amend my application times

Live music

Sunday till Thursday 11am - 11pm  
Friday/Saturday 11am - 11pm

Recorded music

Monday till Thursday 9am -11.00pm  
Friday/ Saturday 9am - 1.00am  
Sunday 9am - 11.30pm

Sale of alcohol

Monday till Thursday 11am - 11.00pm  
Friday till Saturday 11am - 1.00am  
Sunday 11am - 11.30pm

Late night refreshments/food

Sunday till Thursday 9am - 10pm  
Friday/Saturday 9am - 10pm

May I also apologise for any confusion in my application It was never my intention to cause any concern I was only applying for similar licensing hours to port of call  
As a venue we will be more about the food during the early hours of the day  
So we would not want to serve alcohol before 11am  
Any live music would be acoustic musicians held at the rear of the venue  
May I also say thank you for your patience and well wishes for our future business

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## **Appendix 4: Representation**

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From: S Maddox  
Sent: 26 April 2023 08:30  
To: AHS Licensing  
Subject: :Hidden on the Harbour, Seaham

Dear Sir or Madam

I wish to make comments regarding the licence application from the new premises called Hidden on the Harbour, Seaham SR7 7EU.

The request by Mr Michael Downey to have his premise serve alcohol until midnight Sunday to Thursday and to 1am on Friday and Saturdays is unacceptable. This is a residential area not a busy town centre. Not only does Mr Downey wish to sell alcohol to the early hours, he wishes to play live and recorded music up to these early hours too.

There are residents immediately next door as well as across the road within metres of the licensed premise. Can you imagine what the noise would be like in the summer months when the premise would have a permanent open door or one being opened and closed every few minutes. Customers of the venue leaving after midnight and after 1am is unfair. Obviously this is a licensed premise and the amount of alcohol consumed would make the revellers louder than usual...which is to be expected.... But yet another reason for the premise to adhere to normal licensing hours of 11pm.

Although I do not live on North Terrace itself, I live on the main road where I can hear people walking past on their way home at night. Quite often, especially Friday and Saturday, I am woken by people being rowdy and shouting as they pass on their way home. This is of course in normal licensing hours and I accept that people will be louder after an evening out but for this to happen after midnight and after 1am is unfair to local residents.

I ask that my concerns as a local resident be taken into account by the licensing officer when considering the late night alcohol and music application by Mr Downey and to only allow the said premise to open until 11pm.

Kind regards  
S Maddox

North Road, Seaham SR7 7BD.

**From:** S Maddox  
**Sent:** 10 May 2023 17:44  
**To:** Valerie Evans  
**Subject:** :Re: Hidden on the Harbour, 4 North Terrace, Seaham

Good afternoon Valerie

I did not received your correspondence dated the 28th, hence no reply.

I stand by what I say regarding the opening times. I do understand that there are other premises in Seaham that have a 1am close but they do not open to this time. 1am is a city centre opening time and does not intrude on people's lives because there is a low residential population. Seaham is a small town and has a high residential population. Many of which are only a few yards from this new bar.

At the moment on Fridays and Saturdays people are wandering home from enjoying themselves and many weekends there is lots of noise from people but this is an acceptable time. 1am is not. I have on occasion had to swill away vomit and clear up empty plastic beer glasses. I would hate to think what it could be like if revellers are drinking till 1am.

I'm sorry that Mr Downey has had problems in the past and it's great he wants to open a business in Seaham but surely the residents should have a say. I wouldn't think that anyone wants Mr Downey to fail and yes he will hopefully employ some local people. I just believe that opening until 1am will cause problems for people living nearby due to increased footfall and noise. We are not a city or even a large town. There are only two roads that have such a high footfall for drinking establishments and that is Church Street and North Terrace. Anyone living within walking distances to these streets occur problems from drunken people at some point. Like I said 11pm last orders is acceptable, 1am is not.

I would happily fill in forms should you needs them.

Sincerely yours  
S Maddox

**From:** Sandra Maddox  
**Sent:** 17 May 2023 16:45  
**To:** Valerie Evans  
**Subject:** Re: Hidden on the Harbour, 4 North Terrace, Seaham, SR7 7EU

Good afternoon

I stand by my original wishes re the opening times on Friday and Saturday. One does hope that you will liaise with local police officers and make sure that there is a police presence on those nights etc. I also hope that those residents who live next door and those who live within a few yards of this venue are not pushed by the wayside so that someone can make more money from this venue!

Regards  
S Maddox



**From:** Sandra Maddox  
**Sent:** 17 May 2023 20:14  
**To:** Valerie Evans  
**Subject:** Re: Hidden on the Harbour, 4 North Terrace, Seaham, SR7 7EU

Dear M's Evans

I didn't see this 2nd email until after I had replied to the other one. My apologies.

I stick by my original wishes but unfortunately I cannot attend the meeting on the 2nd of June. I have no printer so could not download the document. However I have typed the Document within the email and sent to your department Licensing. I hope that will be acceptable. Thank you.

See below.

Thank you for your time.

Sincerely yours  
S Maddox

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## **Appendix 5: Responsible Authority Responses**

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To: Ms C Parry  
Licensing Services

From: Mr R Wormald  
Neighbourhoods and Climate Change

Date: 28 April 2023

**Re: Licensing Application New premises application  
Hidden On The Harbour, 4 North Terrace Seaham SR7 7EU**

With reference to the above licensing application received on 6 April 2023.

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 licence.

**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



www.durham-scp.org.uk  
County Hall  
Durham  
DH1 5UJ

Our Ref: TM/Hidden on the Harbour/0423

21<sup>st</sup> April 2023

Mr Michael Downey,  
Hidden on the Harbour,  
4 North Terrace,  
Seaham,  
Co Durham  
SR7 7EU

Dear Mr Downey,

**Re: Application for a New Premises Licence – Hidden on the Harbour**

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 Hidden on the Harbour.

I welcome your proposal for training of staff, verification of age and maintain a refusals register.

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I can confirm that based on the information you have provided, the Durham Safeguarding Children Partnership has no additional comments or objections.

Regards

**T Maratty**  
Durham Safeguarding Children Partnership Administration Officer



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

**Safest People, Safest Places**

Chief Fire Officer: Steve Helps

This matter is being dealt with by: D Cuthbertson

Ext:

Date: 28 April 2023

Ext: Our Ref: 2E51000605  
Your Ref: 2E51000605

Dear Clare,

**Licensing Act 2003**

**Regulatory Reform (Fire Safety) Order 2005**

**Hidden on the Harbour, Hidden on the Harbour, 4 North Terrace, Seaham, SR7 7EU**

I acknowledge your application dated 6 April 2023 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.

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

Yours sincerely,

D Cuthbertson  
Fire Safety Section

**From:** Licensed Economy Team  
**Sent:** 02 May 2023 11:57  
**To:** Clare Parry  
**Cc:** AHS Licensing  
**Subject:** Licensing Act 2003- Premises Licence Application - Hidden on the Harbour, 4 North Terrace , Seaham, SR7 7EU

Good morning,

Durham Constabulary have no objections

Thank you

Kind regards

✓ Gill 8118

Durham Constabulary  
**Admin Clerical Officer**  
**Licensing Economy Team**  
**Annand House Meadowfield**

*Be you, Bring You, Be part of the Durham Difference*



*Altogether Better Policing* *Altogether Better Policing.....With Pride*

***Our Values & Vision:***

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

Protecting Neighbourhoods, Tackling Criminals, Solving Problems

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

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**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.

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## **Appendix 7: Section 182 Guidance**

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## 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.