

Statutory Licensing Sub-Committee

19th June 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 Rural Communities and Highways

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 The Water House, 65 North Road, Durham DH1 4SQ.
- 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 The Water House, 65 North Road, Durham DH1 4SQ.

The application initially requested the following: To remove all conditions in relation to Wetherspoons from the current operating schedule. To alter the non-standard timings and to include new licensable activities:

Live and Recorded Music (indoors)
Performance of Dance and Anything of a similar description (Indoors)
Monday to Sunday - 09:00 hrs until 01:00 hrs

Films (indoors) – Monday to Sunday 09:00 hrs until 01:00 hrs

Late Night Refreshment (on and off sales)
Monday to Sunday 23:00 hrs until 01:00 hrs

Reduce the opening times to Monday to Sunday 09:00 hrs to 01:00hrs

Also to update the premises plan following internal renovations.

5 **Mediation**

Within the consultation period the licensing authority received objections from residents and to alleviate their concerns the applicant amended the application:

- To remove the 'outdoor' element from Late Night Refreshment.
- The applicant confirmed that the karaoke room will be sound insulated and clarified there will be no outdoor terrace at the premises.

6 The licensing authority received a response from Durham County Council Planning Department and this was forwarded to the applicant for information.

The licensing authority also received responses from Durham Constabulary, County Durham & Darlington Fire and Rescue Service and Durham County Councils Public Health Department all with no comments.

Durham Safeguarding Children Partnership communicated with the applicant for clarification on their operating schedule and confirmed that they had no further comments to make on the application.

7 The licensing authority received eleven letters in opposition to the application from local residents (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 – Amber Taverns Ltd

| | | |
|--|---|--|
| Type of Application: Variation of a premises licence | Date received: 26 th April 2023 | Consultation ended: 24 th May 2023 |
|--|---|--|

Details of the application

- 11 An application for the variation of a premises licence was received by the Licensing Authority on 26th April 2023. 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/off sales) Monday to Sunday 09:00 hrs – 01:00 hrs | Sale of Alcohol (on/off sales) Monday to Sunday No change |
| Late Night Refreshment (Indoors) Monday to Sunday 23:00 hrs – 01:00 hrs | Late Night Refreshment (indoors only – outdoors has been removed) <u>Additional activities requested:</u> Live and Recorded Music (Indoors) Performance of Dance and Anything of a similar description (Indoors) Monday to Sunday 09:00 hrs – 01:00 hrs Films (indoors) Monday to Sunday 09:00 hrs – 01:00 hrs |
| Contd.... | Contd.... |

| Current Licensable Activities | Proposed Activities |
|---|---|
| <p>Opening Hours Monday – Sunday 07:00 hrs – 01:30 hrs</p> <p>See application for non-standing/seasonal timings</p> | <p>Updated Plan of Premises</p> <p>Opening Hours Monday to Sunday 09:00 hrs – 01:00 hrs</p> <p>See application for non-standard /seasonal timings</p> |

The Representations

- 14 The Licensing Authority received eleven letters of representation during the consultation period from residents (other persons).

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

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance

Copies of the representations are attached at Appendix 4.

- 15 Responses were received from the following Responsible Authorities:

Durham County Council Planning Department, this was forwarded to the applicant for information.

The licensing authority also received responses from Durham Constabulary, County Durham & Darlington Fire and Rescue Service and Durham County Councils Public Health Department all with no comments.

- 16 Durham Safeguarding Children Partnership communicated with the applicants for clarification on their operating schedule and confirmed that they had no further comments on the application.

See Appendix 5.

The Parties

17 The Parties to the hearing will be:

- Amber Taverns Ltd (Applicant)
- Mr Buck (other person)
- Ms Christian (other person)
- Brother Coleman (other person)
- Ms Conn (other person)
- Mr Davis (other person)
- Mr and Mrs Dorey (other persons)
- Mr Grant-Salih (other person)
- Mr and Mrs Laing (other persons)
- Mr Metcalfe (other person)
- Ms Robinson (other person)
- Ms Whaley (other person)

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 representations 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.

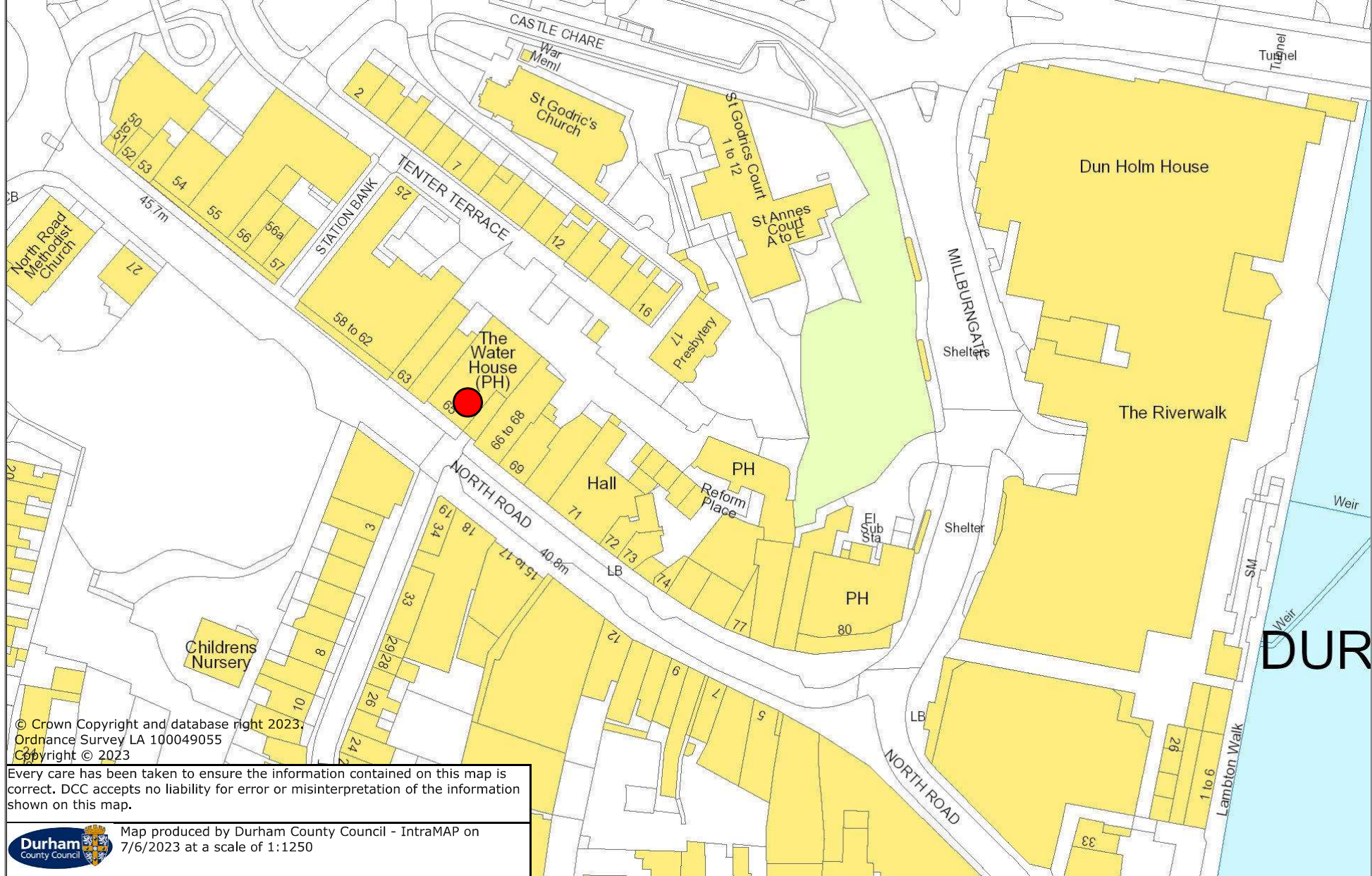
The notice of application was displayed on the premises for a period of 28 days.

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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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 7/6/2023 at a scale of 1:1250

**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

04 23

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

J

* Family name

Jones

* 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.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes No

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

Registration number

Business name

Amber Taverns Ltd

If the applicant's business is registered, use its registered name.

VAT number

-

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- 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.

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

Section 2 of 18

APPLICATION DETAILS

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

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

* Premises Licence Number

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

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VARIATION

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

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

Yes No

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

Continued from previous page...

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.

Town Centre Public house.
To alter the structure of the premises in accordance with the plans submitted- to format a new office and CCTV room;
Removal of booths to add new loose furniture; Formulate new fixed seating; to add an sound proofed karaoke room; shuffleboard and darts area; accommodate a new gents toilet
To remove all the conditions consistent with the operating schedule (Wetherspoons) to the operating schedule of Amber Taverns
To alter the non-standard timings and reduce the opening time to 09:00
To allow for regulated entertainment; Films etc

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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

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

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Start

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Will the exhibition of films 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.

Pre-recorded films; TV

State any seasonal variations for the exhibition of film.

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

- (1) New Years Eve
(2) Christmas Eve; Boxing Day; The Thursday preceding Good Friday; The Saturday, Sunday of each Bank Holiday Weekend; St Georges, St Patrick's and St Valentines Day

Non standard timings. Where the premises will be used for the exhibition of film 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.

- (1) From the end of permitted hours New Years Eve to the commencement of permitted hours New Years Day
(2) An Additional Hour

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Continued from previous page...

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

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

Start

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End

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

- Indoors Outdoors Both

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

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

Single Artists, Duo's, Small groups/Bands; Members of the public-with or without amplified music

State any seasonal variations for the performance of live music

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

(1) New Years Eve
(2) Christmas Eve; Boxing Day; The Thursday preceding Good Friday; The Saturday, Sunday of each Bank Holiday Weekend; St Georges, St Patrick's and St Valentines Day

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

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

(1) From the end of permitted hours New Years Eve to the commencement of permitted hours New Years Day
(2) An Additional Hour

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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

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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

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

- Indoors Outdoors Both

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.

Records, DVD's etc

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.

- (1) New Years Eve
(2) Christmas Eve; Boxing Day; The Thursday preceding Good Friday; The Saturday, Sunday of each Bank Holiday Weekend; St Georges, St Patrick's and St Valentines Day

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.

- (1) From the end of permitted hours New Years Eve to the commencement of permitted hours New Years Day
(2) An Additional Hour

Continued from previous page...

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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

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

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

- Indoors Outdoors Both

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

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

Performance by groups; members of the public

Continued from previous page...

State any seasonal variations for the performance of dance.

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

(1) New Years Eve
(2) Christmas Eve; Boxing Day; The Thursday preceding Good Friday; The Saturday, Sunday of each Bank Holiday Weekend; St Georges, St Patrick's and St Valentines Day

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

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

(1) From the end of permitted hours New Years Eve to the commencement of permitted hours New Years Day
(2) An Additional Hour

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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

Standard Days And Timings

MONDAY

Start

End

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End

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

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Provide a description of the type of entertainment that will be provided.

Any entertainment of a similar nature to the above not already disclosed

Will this entertainment 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 entertainment.

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

(1) New Years Eve
(2) Christmas Eve; Boxing Day; The Thursday preceding Good Friday; The Saturday, Sunday of each Bank Holiday Weekend; St Georges, St Patrick's and St Valentines Day

Non-standard timings. Where the premises will be used for entertainment 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.

(1) From the end of permitted hours New Years Eve to the commencement of permitted hours New Years Day
(2) An Additional Hour

Continued from previous page...

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

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Will the provision of late night refreshment 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.

Hot Drinks

Continued from previous page...

State any seasonal variations.

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

- (1) New Years Eve
- (2) Christmas Eve; Boxing Day; The Thursday preceding Good Friday; The Saturday, Sunday of each Bank Holiday Weekend; St Georges, St Patrick's and St Valentines Day

Non standard timings. Where the premises will be used for the provision of late night refreshment 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.

- (1) From the end of permitted hours New Years Eve to the commencement of permitted hours New Years Day
- (2) An Additional Hour

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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

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WEDNESDAY

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THURSDAY

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FRIDAY

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Continued from previous page...

SATURDAY

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SUNDAY

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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.

(1) New Years Eve
(2) Christmas Eve; Boxing Day; The Thursday preceding Good Friday; The Saturday, Sunday of each Bank Holiday Weekend; St Georges, St Patrick's and St Valentines Day

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

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

(1) From the end of permitted hours New Years Eve to the commencement of permitted hours New Years Day
(2) An Additional Hour

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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

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

State any seasonal variations.

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

- (1) New Years Eve
- (2) Christmas Eve; Boxing Day; The Thursday preceding Good Friday; The Saturday, Sunday of each Bank Holiday Weekend; St Georges, St Patrick's and St Valentines Day

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

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

- (1) From the end of permitted hours New Years Eve to the commencement of permitted hours New Years Day
- (2) An Additional Hour

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.

All the conditions consistent with the operating schedule

- 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 has not yet been returned since the application to transfer and Vary the DPS in January

Section 16 of 18

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.

Digital CCTV will be installed at the premises, will display the correct time and date and will record for a minimum of 31 days, the system will make recording at all times that the premises are open to the public and will be made available to the police or other responsible authorities on reasonable request. A staff member who is familiar with the CCTV system will be available within an hour if requested by the police. This staff member will be able to show and burn to disk for the police any recent footage
The DPS will be an active member of the local pub watch whilst such exists

b) The prevention of crime and disorder

During the absence of the DPS a designated duty manager will be on site during key trading hours
A zero tolerance drugs policy will be implemented
An incident book shall be kept on the premises and will be made available on request to all the responsible authorities
2 Door supervisors will be deployed on a Friday and Saturday night when the premises trades passed midnight and at other times under a risk assessment, should such be deployed they shall be SIA registered, a record shall be kept showing their names SIA badge number and expiry date, and the date and time that they were employed. The door company details the company trading name and business address will also be recorded

c) Public safety

Regular toilet checks will be implemented and the results recorded
All accidents/incident will be recorded in the incident log and will be available for inspection
Weekly H&S checks will be implemented, including fire safety and the results recorded and will be available for inspection
Bi annual audits will be implemented including risk assessments and the fire risk assessment and recorded
Emergency lights and fire alarm will be tested weekly and the results recorded
fire doors shall not be held open other than by an approved device
A fire risk assessment will determine the occupancy of the premises
any persons carrying opened or sealed bottles from alternative suppliers will not be allowed to enter or remain on the premises at any time that the premises are open to the public
Staff shall be trained on induction on Fire Safety, Challenge 25 and the non service of drunks and refresher training undertaken at regular intervals
Online training will also be implemented which includes Health and Safety, Drug awareness etc

Continued from previous page...

d) The prevention of public nuisance

During the performance of regulated entertainment all windows and doors shall remain closed except for entrance or exit from the premises

A sign will be located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to the neighbours

e) The protection of children from harm

Any person under the age of 25 wishing to purchase alcohol will be asked to produce ID before such a sale is made

Acceptable ID- Picture driving licence, passport, PASS approve ID card and armed forces ID card

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 18 of 18

PAYMENT DETAILS

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

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

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

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 (£)

315.00

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="DianaFreeman"/> |
| * Capacity | <input type="text" value="Compliance Manager"/> |
| * Date | <input type="text" value="26"/> / <input type="text" value="04"/> / <input type="text" value="2023"/> 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.

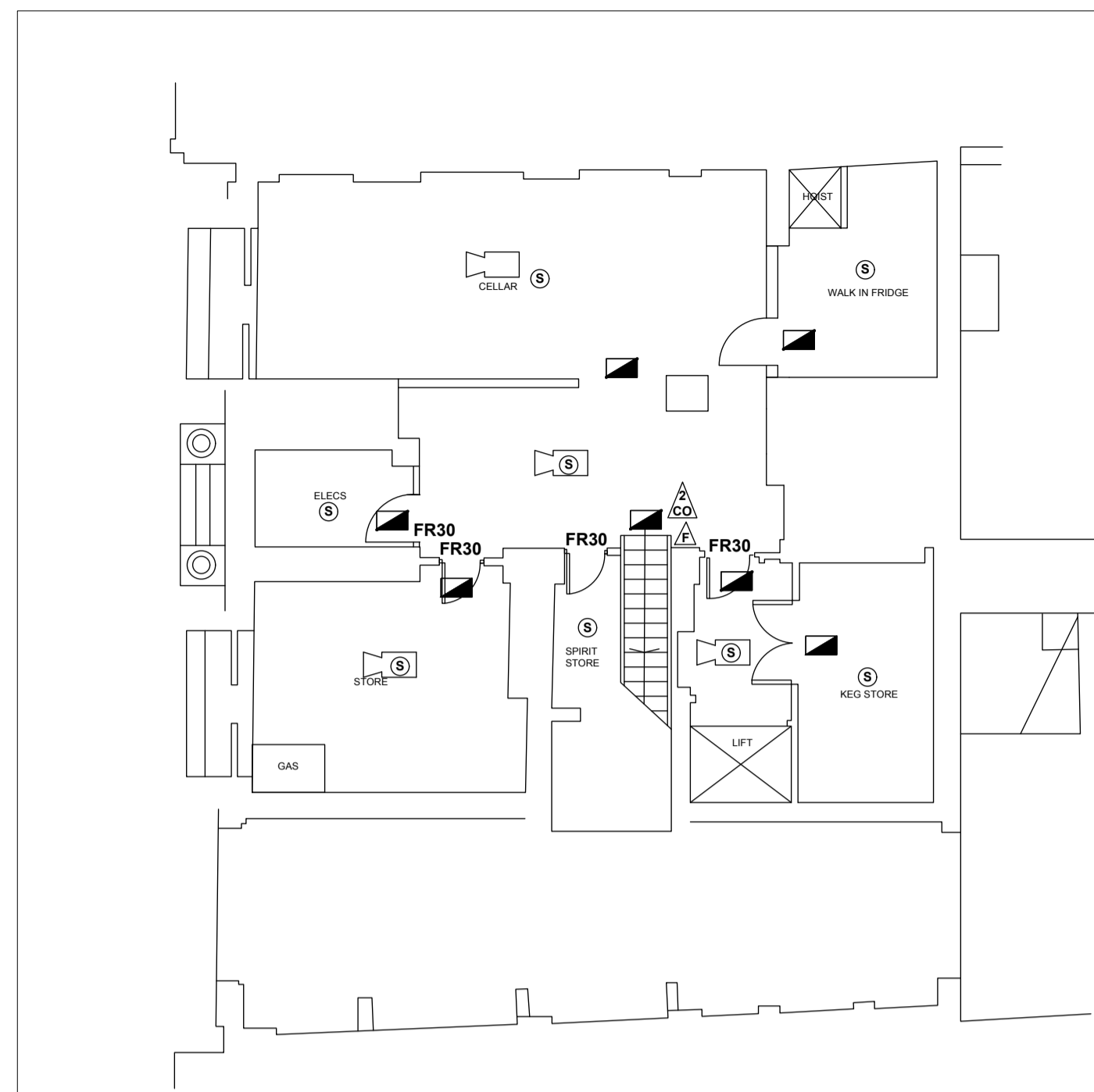
Don't forget to make sure you have all your supporting documentation to hand.

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.

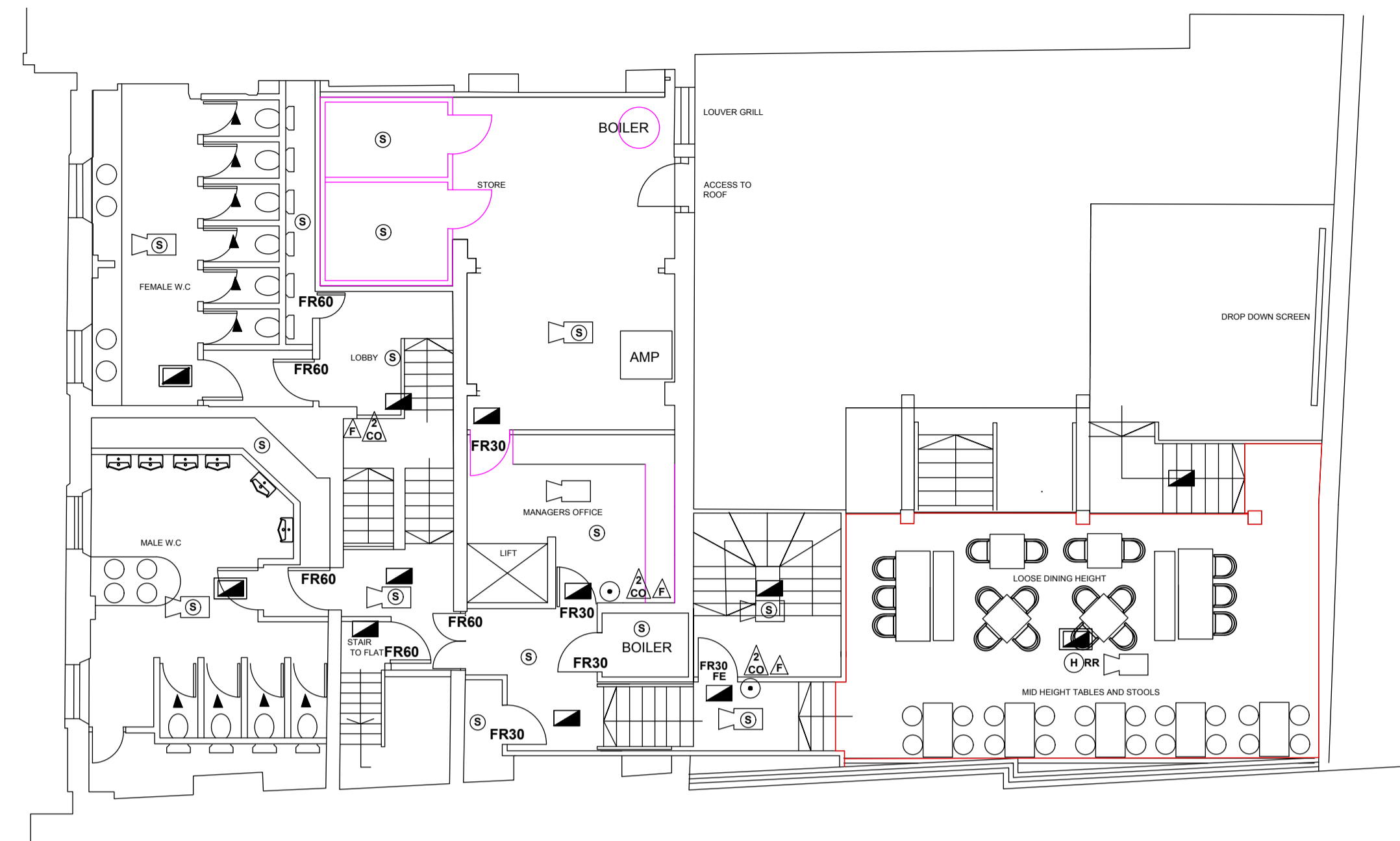
OFFICE USE ONLY

| | |
|----------------------------|------------------------------------|
| Applicant reference number | <input type="text" value="04 23"/> |
| 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"/> |

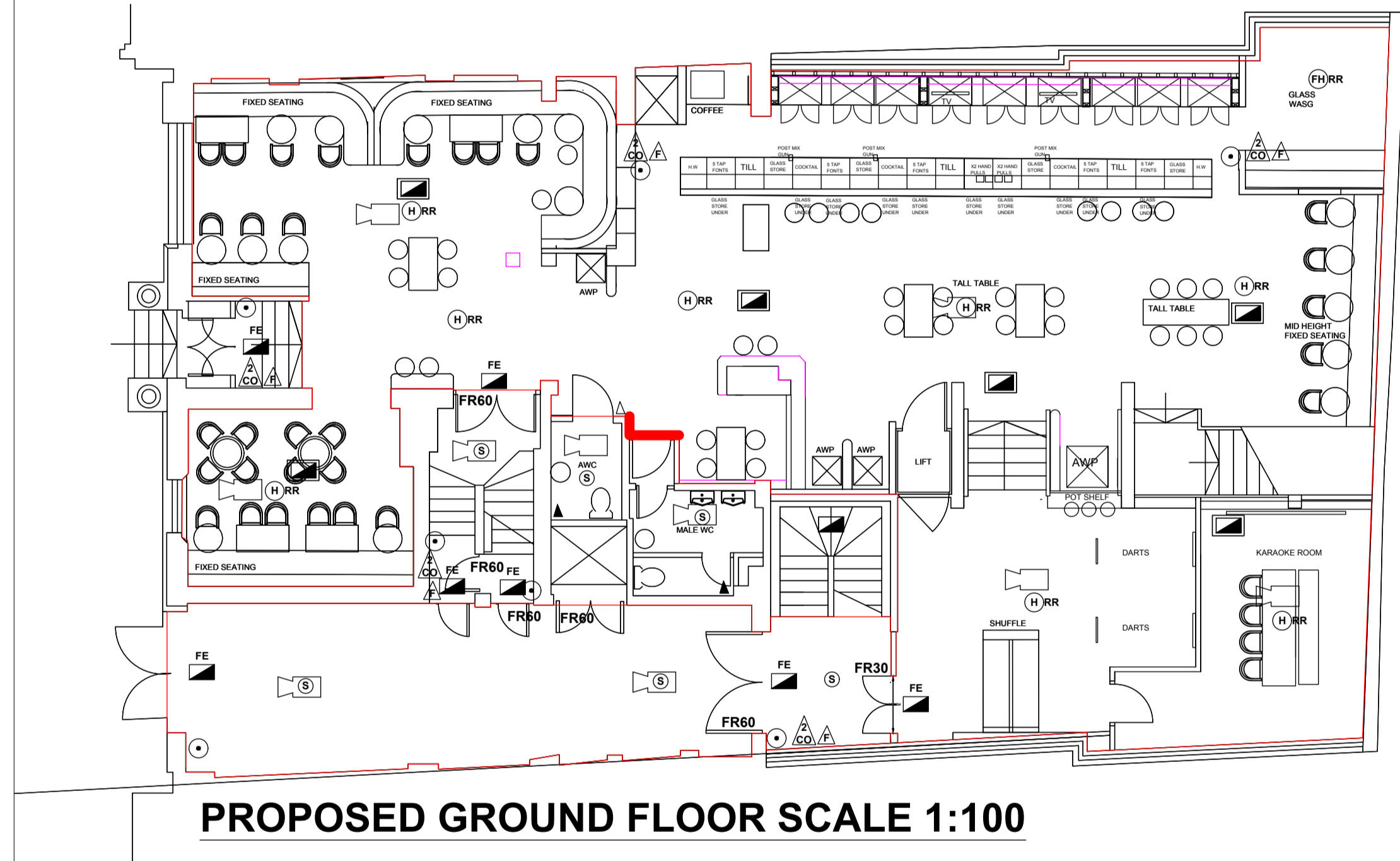
[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)



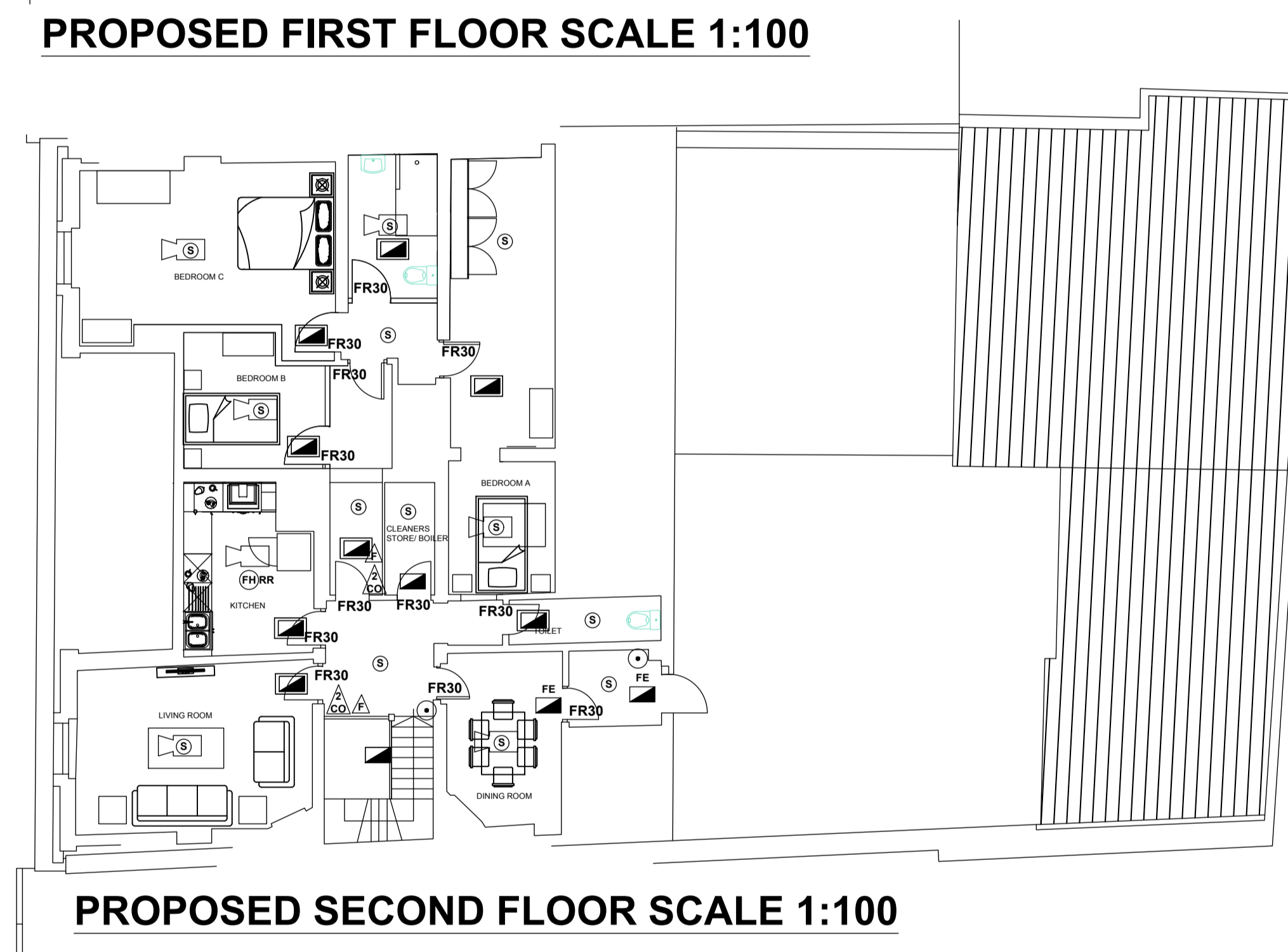
PROPOSED BASEMENT FLOOR SCALE 1:100



PROPOSED FIRST FLOOR SCALE 1:100



PROPOSED GROUND FLOOR SCALE 1:100



PROPOSED SECOND FLOOR SCALE 1:100

PLEASE NOTE -

FIRE PANEL LOCATION INDICATED REAR OF UNIT T.B.C

FLASHING BEACON LOCATED TO REAR ENTRIES AND LINKED TO TENANT FIP

LANDLORD AND TENANT INTERFACES TO BE APPLIED TO SOUND SYSTEMS FOR ISOLATION

AUTOMATIC DETECTION SYSTEM L1+M AND SOUNDERS THROUGHOUT CONTRACTOR TO ENSURE APPLIED TO ALL VOIDS AND INTERNALS OF BULK HEADS

REDLINE OUTLINE INDICATES AREAS OF LICENSED ACTIVITIES

Emergency Lighting: emergency lighting is in compliance with BS5266 Part 1, Category M2 and will provide maintained emergency lighting for 3 hours duration.

Fire alarm to be installed as an L1 system by proposed contractor

Fire Alarm: the proposed fire alarm will be in accordance with BS5839 Part 1 and BS9999 and installations will be LPC approved and undertaken by an LPC approved installer to LPS 1014.

LEGEND EMERGENCY FITTINGS

| | | | |
|--|--|--------------|---|
| | MAINTAINED 8 WATT LED LUMINAIRE. BY R&S ROBERTSONS TEL:- 07919477458 IAN | FR30 FR60 | 30 - 60 MIN PROTECTION FIRE DOOR TO FULLY COMPLY WITH B.S SEE DESIGNERS DETAILS |
| | 8 WATT MAINTAINED FIRE EXIT LUMINAIRE (FIRE ESCAPE SIGN) GLASS BLADE SUSPENDED ON CHAIN (BRUSHED STAINLESS FINISH.) BY R&S TEL:- 07919477458 IAN | HRR | HEAT RATE RISE DETECTOR |
| | NON MAINTAINED 8 WATT Non Maintained Emergency LED Downlight Ref: 2320164. BY R&S ROBERTSONS TEL:- 07919477458 IAN (WP) EXTERIOR VERSION | S | OPTICAL SMOKE DETECTOR |
| | FIRE EXTINGUISHER CO2 | CO | CALL POINT |
| | FIRE EXTINGUISHER FOAM | F | SOUNDER WITH BEACON |
| | FLASHING BEACON TO BE CONNECTED TO ALARM SYSTEM | FH/RR | FIXED HEAT RATE RISE DETECTOR |
| | BEACON TO CONNECT TO DRAW STRING PULL IN MOB W.C | | |

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ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH RELEVANT SPECIFICATIONS AND DETAILS.
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THIS DRAWING AND THE DETAILS THEREON DO NOT CONSTITUTE AN INSTRUCTION.

client
AMBER TAVERNS

job title
**WATER HOUSE
NORTH ROAD
DURHAM**

drawing title
PROPOSED PLAN LAYOUT

scale @ A1

date JAN 2023 drawn by

drg. no.
AM_WH_982_01

PHONE 07766883798
W: WWW.COLLECTIVE-DESIGN.CO.UK
E: SIMON@COLLECTIVE-DESIGN.CO.UK
A: BALTIC 39
39 HIGH BRIDGE STREET
NEWCASTLE UPON TYNE
NE1 1EW



From: Yvonne Raine
Sent: 26 May 2023 11:13
To: Diana Freeman
Subject: RE: Objections received - The Water House, North Road, Durham - Licence Variation

Hi Diana

Thank you for confirming this, I will ensure your application is updated to remove LNR Outdoors and I will inform the objectors of this amendment.

Regards

Yvonne

Yvonne Raine
Principal Licensing Officer
Community Protection Service
Neighbourhoods and Climate Change
Durham County Council

From: Diana Freeman
Sent: 26 May 2023 11:11
To: Yvonne Raine <Yvonne.Raine@durham.gov.uk>
Subject: RE: Objections received - The Water House, North Road, Durham - Licence Variation

Yes we confirm that late night refreshment will be indoors only
Diana

From: Yvonne Raine
Sent: Friday, May 26, 2023 11:07 AM
To: Diana Freeman
Subject: RE: Objections received - The Water House, North Road, Durham - Licence Variation

Good Morning Diana

Thank you for your response following consideration of the objections received.

I can pass all this information onto the objectors for clarification.

Can you confirm by return email that you wish to formally amend the application to remove Late Night Refreshment Outdoors please?

I can also ask the residents if they would be open to having an informal meeting with you to discuss your proposals. Do you have a date, time and venue in mind for such a meeting please?

Regards

Yvonne

Yvonne Raine
Principal Licensing Officer
Community Protection Service
Neighbourhoods and Climate Change
Durham County Council

From: Diana Freeman
Sent: 26 May 2023 09:59
To: Yvonne Raine

Subject: FW: Objections received - The Water House, North Road, Durham - Licence Variation
Importance: High

Re the attached representations

The Karaoke room is sound insulated to reduce any noise emissions whilst the room is in use.

We have omitted the terrace from the scheme due to the proximity of the residents

The none standard timings are already included on the premises licence.

We have reduced the opening times

Late night refreshment would be hot drinks and we would be happy for this to be on the premises only

The licence already has off and on sales for alcohol

We would be happy to meet with the residents to discuss this further

Kind Regards Diana

LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

| |
|-------------------------|
| LAPREG/05/0251 |
| 24 November 2005 |
| 26 January 2023 |

Part 1 – Premises details

| Postal address of premises, or if none, ordnance survey map reference or description | Issuing Authority |
|--|--|
| <p>THE WATER HOUSE 65 NORTH ROAD DURHAM DH1 4SQ</p> | <p>DURHAM COUNTY COUNCIL NEIGHBOURHOODS AND CLIMATE CHANGE COMMUNITY PROTECTION LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p> |
| <p>Telephone number:</p> | |

| |
|---|
| <p>Where the licence is time limited the dates N/A</p> |
|---|

| |
|---|
| <p>Licensable activities authorised by this licence Late Night Refreshment Sale by retail of alcohol</p> |
|---|

| Opening Hours of the Premises | | |
|---|---|--|
| <p>Mon 07:00-01:30 Tue 07:00-01:30 Wed 07:00-01:30 Thu 07:00-01:30 Fri 07:00-01:30 Sat 07:00-01:30 Sun 07:00-01:30</p> | <p>Non-standard/seasonal timings</p> | <p>1. Terminal hour of 3.00 am on Christmas Eve and Boxing Day 2. Sale of alcohol for an additional hour on 25th January, 26th January, 1st March, 17th March, 23rd April, 30th November 3. Sale of alcohol for an additional 30 minutes on the Thursday preceding Good Friday and Sunday preceding a Bank Holiday Monday. 4. Sale of alcohol from 6.00 am until the beginning of the standard hours or until 3.00am on no more than 12 occasions per calendar year, such extension to take place if at least 14 days' notice is given to the police and the licensing authority and only if the police consent.</p> |

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

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

| | |
|---|--|
| <p>Late Night Refreshment Indoors</p> <p>Mon 23:00-01:00 Tue 23:00-01:00 Wed 23:00-01:00 Thu 23:00-01:00 Fri 23:00-01:00 Sat 23:00-01:00 Sun 23:00-01:00</p> | <p>Further details Non-standard/seasonal timings Terminal hour of 3.00am on Christmas Eve and Boxing Day</p> |
| <p>Sale by retail of alcohol</p> <p>Mon 09:00-01:00 Tue 09:00-01:00 Wed 09:00-01:00 Thu 09:00-01:00 Fri 09:00-01:00 Sat 09:00-01:00 Sun 09:00-01:00</p> | <p>Further details Non-standard/seasonal timings Terminal hour of 3.00am on Christmas Eve and Boxing Day. Sale of alcohol for an additional hour on 25th January, 26th January, 1st March, 17th march, 23rd April, 30th November. Sale of alcohol for an additional 30 minutes on the Thursday preceding Good Friday and Sunday preceding a Bank Holiday Monday. Sale of alcohol from 6.00am until the beginning of the standard hours or until 3.00 am on no more than 12 occasions per calendar year, such extension to take place if at least 14 days' notice is given to the police and the licensing authority and only if the police consent.</p> |

Part 2

| | |
|---|--|
| <p>Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence</p> | |
| <p>AMBER TAVERNS LIMITED</p> | |
| <p>Registered number of holder, for example company number, charity number (where applicable)</p> | |
| <p>Company no:</p> | |
| <p>Charity no:</p> | |

| |
|--|
| <p>Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol</p> |
|--|

| |
|--|
| <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</p> |
|--|

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.

Mandatory condition: exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where-
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section-
 - "children" means persons aged under 18; and
 - "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

This Premises Licence has been granted upon conversion under schedule 8 of the Licensing Act 2003 of the previous Justices' On Licence, and such rights and restrictions that applied to such Licence are hereby incorporated into this Premises Licence, subject to any express terms to the contrary hereinafter specified, and/or any restriction applying to a Premises Licence and/or any licensable activity.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

Existing Company procedures will be applied to the premises in relation to the additional hours that are requested, and further information in respect of the Company procedures and policies can be found the attached documents:

- (1) JD Wetherspoon - Overview of Operations
- (2) JD Wetherspoon Approach to responsible Drinks retailing.

The Prevention of Crime & Disorder

The company is committed to strict compliance with the law in the course of the operation of its premises and to maintaining good standards of behaviour by its customers. The measures identified in the attached Overview of Operations are designed to meet the Prevention of Crime and Disorder objective and may be found at sections A, B, C, D, E, F, G, I, J and L. these measures will continue to apply to the additional hours sought by this variation.

Public Safety

JD Wetherspoon undertakes ongoing risk assessments in order to comply with Health and Safety legislation. The attached Overview of Operations identifies certain areas from a licensing perspective which addresses the Public Safety objective. Please see sections A, B, C, D, E, F, G, I, J and L.

The Prevention of Public Nuisance

There is to be no change in the trading terms of these premises other than the later opening hours sought by this variation. The existing measures identified in the attached Overview of Operations will continue to apply. Please see sections A, B, C, D, E, F, G, I, J and L.

The Protection of Children from Harm

The company has many years of experience in catering for families with over 95% of its premises having the benefit of Children Certificates. It is Company policy that children will be required to vacate the Bar by 21.00hrs unless they are eating in which case they will be required to vacate the Bar by 21.30 hrs. Children must always be accompanied by an adult who will be required to maintain constant supervision of them. The measures identified in the attached Overview of Operations provide further confirmation of the Company's compliance with the Protection of Children from Harm Objective. Please see sections A, B, C, D, G, I, J, K and L.

Annex 3 – Conditions attached after a hearing by the licensing authority Licensing Committee 24th August 2005

The premises employ 2 SIA registered door staff whenever the premises is open past 12 midnight on a Friday and Saturday, commencement time to be agreed with the police.

Annex 4 – Plans attached

Attached

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

Appendix 4: Representations

From: BUCK, J C.

Sent: 24 May 2023 13:33

To: AHS Licensing

Subject: Representation - Application for variation of a premises licence - The Water House, 65 North Road, Durham, DH1 4SQ

To whom it may concern,

Please find attached a letter of objection to the application for the variation of a premises licence pertaining to The Water House, 65 North Road, Durham, DH1 4SQ.

Best wishes,
Jordan

J Buck
Senior Tutor & PhD in Law
Durham Law School

Durham County Council Licensing Services
PO Box 617
Durham
DH1 9HZ

24 MAY 2023

To whom it may concern,

**RE: APPLICATION FOR VARIATION OF A PREMISES LICENSE – THE WATER HOUSE,
65 NORTH ROAD, DURHAM, DH1 4SQ.**

I am writing to respond and register objections to the application for variation of the premises licence for The Water House, 65 North Road, Durham, DH1 4SQ, submitted by Amber Taverns.

This has come to the attention of residents, business owners and other interested parties only recently. We will be seeking additional information to improve our understanding of the application. Based on our current understanding of the application to vary the premises licence, it appears that it will lead to adverse impacts on residents and on the surrounding environment which we consider unacceptable. These are outlined below. We expressly reserve the right to add to our objection and we would wish to be kept informed of any developments and opportunities to attend any hearing and be heard. These objections are informed by the local policy context, most notably the Durham County Council Licensing Act 2003; Statement of Licensing Policy 2019 to 2024, and the Durham Parish Council Durham City Neighbourhood Plan.

LOCAL ENVIRONMENTAL CONTEXT

The Water House backs immediately onto Tenter Terrace. Tenter Terrace runs parallel to North Road, connected to it by Station Bank. At the north end sits St Godric's Church and at the South end sits St Francis Priory. It is, at present, a quiet and tranquil residential cul de sac. It is one of very few streets in the City Centre popular with young professionals and couples starting out. As a PhD student who has been at the University since 2017 completing other degrees and living in other locations in Durham, I find this peaceful atmosphere to be particularly valuable and uniquely attractive. We note the focus in section 4.159 of the Durham City Neighbourhood plan on this type of residential area and the special attention it gives to safety and noise.

However, noise from music, parties and gatherings in the student houses on North Road which back onto Tenter Terrace has regular and significant adverse impacts on residents on the street, as does noise from the Angel Inn, on Lumsden's Yard, which is significantly further away than the Water House. The Head of Steam should not be equated with nor considered a precedent for the Water House as its position, to the south of Tenter Terrace, surrounded by steep banks mean that noise does not carry to Tenter Terrace in the same

way. However, this could be a function of the nature of usage in the Head of Steam with sale of alcohol until 11 pm, provision of food, and limited music and dance events.

Proximity to North Road means that Tenter Terrace is in an area with existing problems (we note section 5.6 of the County Durham Licensing Policy). For residents, these generally arise from people coming up Station Bank from North Road and often involve alcohol use and intoxication. They include public drinking, underage drinking, assaults, sexual assaults, intimidation, public urination and defecation, drug use, drug dealing, littering, vandalism of cars and property, trespass, antisocial behaviour, and rough sleeping. These problems affect Tenter Terrace, Station Bank, the service areas of North Road shops and business adjacent to Tenter Terrace, and the grounds of St Godric's Church and St Francis Priory. We also note the presence of other current licence applications on North Road and the potential cumulative impacts of increased numbers of premises selling alcohol without food (we note section 3.21 of the Durham County Licensing Policy).

My concerns and those of other residents focus mainly on adverse impact through:

1. Public nuisance (section 7.3 of the Durham County Licensing Policy), particularly noise, littering, public hygiene, and increased usage of Tenter Terrace and Station Bank, especially late at night, by those not resident in either; *and*
2. Crime, disorder and antisocial behaviour (section 7.1 of the Licensing Policy), and the impacts of these upon the safety of residents and other users of the street, including children and various categories of vulnerable people.

OBJECTIONS TO PROPOSED VARIATIONS IN THE LICENCE APPLICATION

Potential outdoor drinking and/or smoking areas

The application summary refers to '[l]ate night refreshment (indoors and outdoors) from 11 pm to 1 am'. There is no specific reference to outdoor drinking, smoking, or gathering between 9 am and 11 pm in the online summary of the application but this seems to be implicit. We will be seeking further information about these plans.

We object strongly to this request, especially if it involves the development or use of any outdoor areas to the rear, sides, or top of the premises. There have not previously been any outdoor areas used for drinking, smoking, or gathering in any of these locations. Were this to change in any way, this would have very significant adverse impacts on residents. The primary adverse impact is noise. We have other serious concerns about adverse impacts of light, smoke, and potential overlooking.

Off licence sales

The application refers to 'sale of alcohol, on and off the premises' until 1 am.

We object to this proposal on the basis that sale of alcohol off the premises would be likely to exacerbate the existing problems in the area of on-street drinking, underage drinking, litter, public urination and associated antisocial behaviour and

crime on Tenter Terrace and in the surrounding area. We are not aware of any other business on North Road that sells alcohol off the premises after 11 pm.

The change from drinking with food service to drinking without food service

The change from drinking without service suggests a substantive change in character of the premises from that under the previous licensee, which served food throughout the day and evening. Our concern about this change intersects with our other objections.

‘All day’ and ‘late night’ drinking without food may significantly increase intensity of use and potential for a range of adverse impacts, particularly crime and antisocial behaviour. It may also lead to customers buying fast food and taking it to Tenter Terrace and Station Bank to eat it throughout the day and night, exacerbating other problems, increasing litter and waste, and potentially introducing an increased presence of rodents and other pests.

Opening hours

I and other residents object to the proposal to extend the licensed hours of sale of alcohol until 1 pm every night of the week. The previous licence holder, Wetherspoons, sold alcohol until 12 pm during the week and 1 am at weekends. The proposal to extend sale hours until 2 pm on specified days and bank holidays also marks an adjustment from previous practice. The proposal of an application for an ‘all night’ licence on New Year’s Eve is also a significant concern.

Our concerns relate to the potential for increased adverse impact via public nuisance and crime until later in the night on more occasions.

Live and recorded music and dancing

I and other residents object to the requests for live music and dancing. These also suggest a change of character of the premises from that under the previous license holder. They suggest greater intensity of use throughout the day and especially late at night. There are obvious potential impacts in terms of noise. Given that these are stated as being ‘indoor’, it is possible that these could be mitigated, but we are keen to learn more about this aspect of the application and the steps which would be taken to contain noise within the premises and to prevent it from becoming a nuisance outside.

Internal reorganisation

As we were only aware of the licence application recently, we have not been able to see the detailed proposals for internal reorganisation. The development for a karaoke room is a cause for concern. We also have concerns about the possibility of changes to the rear exterior of the building that could increase noise, light pollution, or overlooking. We will be seeking further information about these plans.

Plant noise was already a problem from the Water House, with a constant hum from the premises. Any measure that increased this noise would be problematic. Any that reduced it would be welcome.

I and other residents are not against all licensed businesses or nightlife. We would like to work constructively with the County Council and licence applicants or holders to find a balance that ensures that licenced premises close to Tenter Terrace are able to succeed whilst operating in ways that do not have adverse impacts for residents and communities. We would like to see North Road vibrant, viable, and attractive for a wide range of users, but we note section 3.20 of the Durham County Licensing Policy, that 'the council shall not consider 'need' or commercial demand when exercising any licensing function'. At the same time, we wish to preserve the increasingly rare character of Tenter Terrace as a street in Durham City Centre attractive to professionals and couples and individuals starting out, particularly given its quiet and tranquil nature in an otherwise busy City Centre.

Yours sincerely,

J Buck

Tenter Terrace
DH1 4RD

From:

Sent: 24 May 2023 08:39

To: AHS Licensing

Cc:

Subject: Response to application for variation of a premises license – The Water House, 65 North Road, Durham, DH1 4SQ

Dear Madam or Sir,

Re: Application for variation of a premises license – The Water House, 65 North Road, Durham, DH1 4SQ.

I am writing to respond and register objections to the application for variation of the premises licence for The Water House, 65 North Road, Durham, DH1 4SQ, submitted by Amber Taverns. Please note due to technical issues today my partner has kindly submitted my email letter from his email account, please cc me in your response. Please note I have also posted my letter of response to you.

This has come to the attention of residents, business owners and other interested parties. only recently. We will be seeking additional information to improve our understanding of the application.

Based on our current understanding of the application to vary the premises licence it appears that there it will lead to unacceptably adverse impacts on local residents and on the surrounding environment. These are outlined below.

I expressly reserve the right to add to our objection and I wish to be keep informed of any developments and opportunities to attend any hearing and be heard.

These objections are informed by the local policy context, most notably the Durham County Council Licensing Act 2003: Statement of Licensing Policy, 2019 to 2024, and the Durham Parish Council Durham City Neighbourhood Plan.

Local environmental context

The Water House backs immediately onto Tenter Terrace. Tenter Terrace runs parallel to North Road, connected to it by Station Bank. At the north end sits St Godric's Church and at the South end sits St Francis Priory. It is a residential street that is currently (usually) quiet and tranquil cul de sac. It has been my home since 1991. It is one of very few streets in the City Centre popular with young professionals and couples starting out, as well having a mixed community with also older retired people and those working from home– we note the focus in section 4.159 of the Durham City Neighbourhood plan on this type of residential area and the special attention it gives to safety and noise.

The street is generally quiet. It is a cul-de-sac therefore does not have through traffic. Little noise from the ground level frontage of North Road reaches the street. However, noise from music, parties and gatherings in the student houses in North Road which back onto Tenter Terrace, has regular and significant adverse impacts on residents on the street. As does noise from the Angel Inn, on Lumsden's Yard, which is significantly further away than the Water House. The Head of Steam should not be considered a precedent for the Water House, as its position, to the south of Tenter Terrace, surrounded by steep banks mean that noise does not carry to Tenter Terrace in the same way. However, this could be a function of the nature of usage in the Head of Steam with sale of alcohol until 11pm, provision of food, and limited music and dance events.

Proximity to North Road means that Tenter Terrace is in an area with existing problems (We note section 5.6 of the County Durham Licensing Policy). For local residents, these generally arise from people coming up Station Bank from North Road and often involve alcohol use and intoxication. They include public drinking, underage drinking, assaults, sexual assaults, intimidation, public urination and defecation, drug use, drug dealing, littering, vandalism of cars and property, trespass, antisocial behaviour, and rough sleeping. These problems affect Tenter Terrace, Station Bank, the service areas of North Road shops and business adjacent to Tenter Terrace, and the grounds of St Godric's Church and St Francis Priory. We also note the presence of other current licence applications on North Road and the potential cumulative impacts of increased numbers of premises selling alcohol without food (section 3.21 of the Durham County Licensing Policy). Problems that existed to a severe degree around the millennium are starting to re-emerge in the area. We have seen an improvement since the creation

of Millennium place as a leisure and entertainment centre for Durham, however the extended works on the bus station and the temporary bus stands on North Road have led to an increase in anti-social behaviour, such as vandalism and the presence of drug dealers affecting Tenter Terrace an increase in demands on police time to manage this- it has emphasised that this is a delicate ecology .

My concerns and those of other local residents focus mainly on adverse impact through:

- a. Public nuisance (section 7.3 of the Durham County Licensing Policy), particularly noise, littering, public hygiene, and increased usage of Tenter Terrace and Station Bank, especially late at night.
- b. Crime, disorder and antisocial behaviour (section 7.1 of the Licensing Policy), safety of residents and other users of the street, including children and various categories of vulnerable people.

Objections to proposed variations in the licence application

1. Potential outdoor drinking and/or smoking areas

The application summary makes reference to “Late night refreshment (indoors and outdoors) from 11pm to 1am”. There is no specific reference to outdoor drinking, smoking or gathering between 9am and 11pm in the online summary of the application but this seems to be implicit. We will be seeking further information about these plans.

We object strongly to this request, especially if it involves the development or use of any outdoor areas to the rear, sides, or top of the premises. There have not been previously been any outdoor areas used for drinking, smoking or gathering in any of these locations. Were this to change in any way, this would have very significant adverse impacts on residents. The primary adverse impact is noise. We have other serious concerns about adverse impacts of light, smoke, and potential overlooking.

2. Off licence sales

The application makes reference to ‘sale of alcohol, on and off the premises’ until 1am.

We object to this proposal on the basis that sale of alcohol off the premises would be likely to exacerbate the existing problems in the area of on-street drinking, underage drinking, litter, public urination and associated antisocial behaviour and crime on Tenter Terrace and the surrounding area.

We are not aware of any other business on North Road that sells alcohol off the premises after 11pm.

3. The change from drinking with food service to drinking without food service.

The change from drinking without service suggests a substantive change in character of the premises from that under the previous licensee, which served food throughout the day and evening. Our concern about this change intersects with our other objections.

‘All day’ and ‘late night’ drinking without food is likely to significantly increase intensity of use and potential for a range of adverse impacts, particularly crime and antisocial behaviour. In addition it may lead to customers buying fast food and taking it to Tenter Terrace and Station Bank to eat it throughout the day and night, exacerbating other problems and increasing litter and waste and increasing the risk to public health of vermin .

4. Opening hours

I and other local residents object to the proposal to extend the licensed hours of sale of alcohol until 1pm every night of the week.

Previous practice at the previous licence holder, Wetherspoons, was until 12 pm during the week and 1 am at weekends. The additional hour, until 2pm on specified days and bank holidays also marks an adjustment from previous practice. The ‘all night’ license applied for, for New Year’s Eve and other days such as St George’s and St Patrick’s Day is also a significant concern.

Our concerns relate to the potential for increased adverse impact via public nuisance and crime until later in the night on more occasions.

5. Live and recorded music and dancing.

I and other residents object to the requests for live music and dancing. These also suggest a change of character of the premises from that under the previous license holder. They suggest greater intensity of use throughout the day and especially late at night. There are obvious potential impacts in terms of noise.

Given that these are stated as being 'indoor', it is possible that these could be mitigated, but we are keen to learn more about this aspect of the application.

6. Internal reorganisation

As we were only aware of the licence application recently we have not been able to see the detailed proposals for internal reorganisation. The development for a karaoke room is a cause for concern. We also have concerns about the possibility of changes to the rear exterior of the building that could increase noise, light pollution, or overlooking. We will be seeking further information about these plans.

Plant noise was already a problem from the Water House, with a constant hum from the premises. Any measure that increased this noise would be problematic. Any that reduced it would be welcome.

I and other local residents are not against all licensed businesses or nightlife. We would like to work constructively with the County Council and licence applicants or holders to find a balance that ensures that licenced premises close to Tenter Terrace operate in ways that do not have adverse impacts for local residents and communities. We worked closely and constructively with Wetherspoons and came to a mutually acceptable solution when that company initially took over the premises. We would like to see North Road vibrant, viable, and attractive for a wide range of users, but we note section 3.20 of the Durham County Licensing Policy, 'the council shall not consider 'need' or commercial demand when exercising any licensing function'. At the same time we wish to preserve the increasingly rare character of Tenter Terrace as a street in Durham City Centre attractive to professionals and couples and individuals starting out.

Yours sincerely,

N A Christian ,
Tenter Terrace
Durham City
DH1 4RD

From:**Sent:** 24 May 2023 12:03**To:** AHS Licensing**Cc:****Subject:** :Representation - Application for variation of a premises license – The Water House, 65 North Road, Durham, DH1 4SQ

This email is sent on behalf of Brother P Coleman and the residents of Tenter Terrace, Durham, DH1 4RD (email:). This follows discussion with Brother P Coleman, who requested that this message be sent. Brother P Coleman is CC'd above.

Durham County Council Licensing Services

PO Box 617

Durham

DH1 9HZ

24 May 2023

Dear Madam or Sir,

Re: Application for variation of a premises license – The Water House, 65 North Road, Durham, DH1 4SQ.

I am writing to respond and register objections to the application for variation of the premises licence for The Water House, 65 North Road, Durham, DH1 4SQ, submitted by Amber Taverns.

This has come to the attention of residents, business owners and other interested parties. only recently. We will be seeking additional information to improve our understanding of the application.

Based on our current understanding of the application to vary the premises licence it appears that there it will lead to unacceptably adverse impacts on local residents and on the surrounding environment. These are outlined below.

We expressly reserve the right to add to our objection and we would wish to be keep informed of any developments and opportunities to attend any hearing and be heard.

These objections are informed by the local policy context, most notably the Durham County Council Licensing Act 2003: Statement of Licensing Policy, 2019 to 2024, and the Durham Parish Council Durham City Neighbourhood Plan.

Local environmental context

The Water House backs immediately onto Tenter Terrace. Tenter Terrace runs parallel to North Road, connected to it by Station Bank. At the north end sits St Godric's Church and at the South end sits St Francis Priory. It is a residential street that is currently (usually) quiet and tranquil cul de sac. It is one of very few streets in the City Centre popular with young professionals and couples starting out – we note the focus in section 4.159 of the Durham City Neighbourhood plan on this type of residential area and the special attention it gives to safety and noise.

The street is generally quiet. Little noise from the ground level frontage of North Road reaches the street. However, noise from music, parties and gatherings in the student houses in North Road which back onto Tenter Terrace, has regular and significant adverse impacts on residents on the street. As does noise from the Angel Inn, on Lumsden's Yard, which is significantly further away than the Water House. The Head of Steam should not be considered a precedent for the Water House, as its position, to the south of Tenter Terrace, surrounded by steep banks mean that noise does not carry to Tenter Terrace in the same way. However, this could be a function of the nature of usage in the Head of Steam with sale of alcohol until 11pm, provision of food, and limited music and dance events.

Proximity to North Road means that Tenter Terrace is in an area with existing problems (We note section 5.6 of the County Durham Licensing Policy). For local residents, these generally arise from people coming up Station Bank from North Road and often involve alcohol use and intoxication. They include public drinking, underage drinking, assaults, sexual assaults, intimidation, public urination and defecation, drug use, drug dealing, littering, vandalism of cars and property, trespass, antisocial behaviour, and rough sleeping. These problems affect Tenter Terrace, Station Bank, the service areas of North Road shops and business adjacent to Tenter Terrace, and the grounds of St Godric's Church and St Francis Priory. We also note the presence of other current licence applications on North Road and the potential cumulative impacts of increased numbers of premises selling alcohol without food (section 3.21 of the Durham County Licensing Policy).

My concerns and those of other local residents focus mainly on adverse impact through:

- a. Public nuisance (section 7.3 of the Durham County Licensing Policy), particularly noise, littering, public hygiene, and increased usage of Tenter Terrace and Station Bank, especially late at night.
- b. Crime, disorder and antisocial behaviour (section 7.1 of the Licensing Policy), safety of residents and other users of the street, including children and various categories of vulnerable people.

Objections to proposed variations in the licence application

1. Potential outdoor drinking and/or smoking areas

The application summary makes reference to "Late night refreshment (indoors and outdoors) from 11pm to 1am". There is no specific reference to outdoor drinking, smoking or gathering between 9am and 11pm in the online summary of the application but this seems to be implicit. We will be seeking further information about these plans.

We object strongly to this request, especially if it involves the development or use of any outdoor areas to the rear, sides, or top of the premises. There have not been previously been any outdoor areas used for drinking, smoking or gathering in any of these locations. Were this to change in any way, this would have very significant adverse impacts on residents. The primary adverse impact is noise. We have other serious concerns about adverse impacts of light, smoke, and potential overlooking.

2. Off licence sales

The application makes reference to 'sale of alcohol, on and off the premises' until 1am.

We object to this proposal on the basis that sale of alcohol off the premises would be likely to exacerbate the existing problems in the area of on-street drinking, underage drinking, litter, public urination and associated antisocial behaviour and crime on Tenter Terrace and the surrounding area.

We are not aware of any other business on North Road that sells alcohol off the premises after 11pm.

3. The change from drinking with food service to drinking without food service.

The change from drinking without service suggests a substantive change in character of the premises from that under the previous licensee, which served food throughout the day and evening. Our concern about this change intersects with our other objections.

'All day' and 'late night' drinking without food may significantly increase intensity of use and potential for a range of adverse impacts, particularly crime and antisocial behaviour. In addition it may lead to customers buying fast food and taking it to Tenter Terrace and Station Bank to eat it throughout the day and night, exacerbating other problems and increasing litter and waste.

4. Opening hours

I and other local residents object to the proposal to extend the licensed hours of sale of alcohol until 1pm every night of the week.

Previous practice at the previous licence holder, Wetherspoons, was until 12 pm during the week and 1 am at weekends. The additional hour, until 2pm on specified days and bank holidays also marks an adjustment from previous practice. The 'all night' license applied for, for New Year's Eve is also a significant concern.

Our concerns relate to the potential for increased adverse impact via public nuisance and crime until later in the night on more occasions.

5. Live and recorded music and dancing.

I and other residents object to the requests for live music and dancing. These also suggest a change of character of the premises from that under the previous license holder. They suggest greater intensity of use throughout the day and especially late at night. There are obvious potential impacts in terms of noise.

Given that these are stated as being 'indoor', it is possible that these could be mitigated, but we are keen to learn more about this aspect of the application.

6. Internal reorganisation

As we were only aware of the licence application recently we have not been able to see the detailed proposals for internal reorganisation. The development for a karaoke room is a cause for concern. We also have concerns about the possibility of changes to the rear exterior of the building that could increase noise, light pollution, or overlooking. We will be seeking further information about these plans.

Plant noise was already a problem from the Water House, with a constant hum from the premises. Any measure that increased this noise would be problematic. Any that reduced it would be welcome.

I and other local residents are not against all licensed businesses or nightlife. We would like to work constructively with the County Council and licence applicants or holders to find a balance that ensures that licenced premises close to Tenter Terrace operate in ways that do not have adverse impacts for local residents and communities. We would like to see North Road vibrant, viable, and attractive for a wide range of users, but we note section 3.20 of the Durham County Licensing Policy, 'the council shall not consider 'need' or commercial demand when exercising any licensing function'. At the same time we wish to preserve the increasingly rare character of Tenter Terrace as a street in Durham City Centre attractive to professionals and couples and individuals starting out.

Yours sincerely,

Brother P Coleman

Tenter Terrace
Durham
DH1 4RD

Tel:

From: L Conn
Sent: 24 May 2023 14:08
To: AHS Licensing
Subject Representation - Application for variation of a premises license – The Water House, 65 North Road, Durham, DH1 4SQ

Durham County Council Licensing Services

PO Box 617

Durham

DH1 9HZ

24 May 2023

Dear Madam or Sir,

Re: Application for variation of a premises license – The Water House, 65 North Road, Durham, DH1 4SQ.

I am writing to respond and register objections to the application for variation of the premises licence for The Water House, 65 North Road, Durham, DH1 4SQ, submitted by Amber Taverns.

This has come to the attention of residents, business owners and other interested parties. We will be seeking additional information to improve our understanding of the application.

Based on our current understanding of the application to vary the premises licence it appears that there it will lead to unacceptably adverse impacts on local residents and on the surrounding environment. These are outlined below.

We expressly reserve the right to add to our objection and we would wish to be keep informed of any developments and opportunities to attend any hearing and be heard.

These objections are informed by the local policy context, most notably the Durham County Council Licensing Act 2003: Statement of Licensing Policy, 2019 to 2024, and the Durham Parish Council Durham City Neighbourhood Plan.

Local environmental context

Proximity to North Road means that Tenter Terrace and Station Bank are in an area with existing problems (We note section 5.6 of the County Durham Licensing Policy). For local residents, these generally arise from people coming up Station Bank from North Road and often involve alcohol use and intoxication. They include public drinking, underage drinking, assaults, sexual assaults, intimidation, public urination and defecation, drug use, drug dealing, littering, vandalism of cars and property, trespass, antisocial behaviour, and rough sleeping. These problems affect Tenter Terrace, Station Bank, the service areas of North Road shops and business adjacent to Tenter Terrace, and the grounds of St Godric's Church and St Francis Priory. We also note the presence of other current licence applications on North Road and the potential cumulative impacts of increased numbers of premises selling alcohol without food (section 3.21 of the Durham County Licensing Policy).

My concerns and those of other local residents focus mainly on adverse impact through:

- a. Public nuisance (section 7.3 of the Durham County Licensing Policy), particularly noise, littering, public hygiene, and increased usage of Tenter Terrace and Station Bank, especially late at night.
- b. Crime, disorder and antisocial behaviour (section 7.1 of the Licensing Policy), safety of residents and other users of the street, including children and various categories of vulnerable people.

Objections to proposed variations in the licence application

1. Potential outdoor drinking and/or smoking areas

The application summary makes reference to "Late night refreshment (indoors and outdoors) from 11pm to 1am". There is no specific reference to outdoor drinking, smoking or gathering between 9am and 11pm in the online summary of the application but this seems to be implicit. We will be seeking further information about these plans.

We object strongly to this request, especially if it involves the development or use of any outdoor areas to the rear, sides, or top of the premises. There have not been previously been any outdoor areas used for drinking, smoking or gathering in any of these locations. Were this to change in any way, this would have very significant adverse impacts on residents. The primary adverse impact is noise. We have other serious concerns about adverse impacts of light, smoke, and potential overlooking.

2. Off licence sales

The application makes reference to 'sale of alcohol, on and off the premises' until 1am.

We object to this proposal on the basis that sale of alcohol off the premises would be likely to exacerbate the existing problems in the area of on-street drinking, underage drinking, litter, public urination and associated antisocial behaviour and crime on Station Bank and the surrounding area.

We are not aware of any other business on North Road that sells alcohol off the premises after 11pm.

3. The change from drinking with food service to drinking without food service.

The change from drinking without service suggests a substantive change in character of the premises from that under the previous licensee, which served food throughout the day and evening. Our concern about this change intersects with our other objections.

'All day' and 'late night' drinking without food may significantly increase intensity of use and potential for a range of adverse impacts, particularly crime and antisocial behaviour. In addition it may lead to customers buying fast food and taking it to Tenter Terrace and Station Bank to eat it throughout the day and night, exacerbating other problems and increasing litter and waste.

4. Opening hours

I and other local residents object to the proposal to extend the licensed hours of sale of alcohol until 1am every night of the week.

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Our concerns relate to the potential for increased adverse impact via public nuisance and crime until later in the night on more occasions.

5. Live and recorded music and dancing.

I and other residents object to the requests for live music and dancing. These also suggest a change of character of the premises from that under the previous license holder. They suggest greater intensity of use throughout the day and especially late at night. There are obvious potential impacts in terms of noise.

Given that these are stated as being 'indoor', it is possible that these could be mitigated, but we are keen to learn more about this aspect of the application.

6. Internal reorganisation

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Yours sincerely,

L Conn

North Road
Durham
DH1 4SQ

From: C Davis
Sent: 24 May 2023 20:32
To: AHS Licensing
Subject: :Representation - Application for variation of a premises license – The Water House, 65 North Road, Durham, DH1 4SQ

Dear Madam or Sir,

Re: Application for variation of a premises license – The Water House, 65 North Road, Durham, DH1 4SQ

I am writing to respond and register objections to the application for variation of the premises licence for The Water House, 65 North Road, Durham, DH1 4SQ, submitted by Amber Taverns.

This has come to the attention of residents, business owners and other interested parties. only recently. We will be seeking additional information to improve our understanding of the application.

Based on our current understanding of the application to vary the premises licence it appears that there it will lead to unacceptably adverse impacts on local residents and on the surrounding environment. These are outlined below.

We expressly reserve the right to add to our objection and we would wish to be keep informed of any developments and opportunities to attend any hearing and be heard.

These objections are informed by the local policy context, most notably the Durham County Council Licensing Act 2003: Statement of Licensing Policy, 2019 to 2024, and the Durham Parish Council Durham City Neighbourhood Plan.

Local environmental context

The Water House backs immediately onto Tenter Terrace. Tenter Terrace runs parallel to North Road, connected to it by Station Bank. At the north end sits St Godric's Church and at the South end sits St Francis Priory. It is a residential street that is currently (usually) quiet and tranquil cul de sac. It is one of very few streets in the City Centre popular with young professionals and couples starting out – we note the focus in section 4.159 of the Durham City Neighbourhood plan on this type of residential area and the special attention it gives to safety and noise.

The street is generally quiet. Little noise from the ground level frontage of North Road reaches the street. However, noise from music, parties and gatherings in the student houses in North Road which back onto Tenter Terrace, has regular and significant adverse impacts on residents on the street. As does noise from the Angel Inn, on Lumsden's Yard, which is significantly further away than the Water House. The Head of Steam should not be considered a precedent for the Water House, as its position, to the south of Tenter Terrace, surrounded by steep banks mean that noise does not carry to Tenter Terrace in the same way. However, this could be a function of the nature of usage in the Head of Steam with sale of alcohol until 11pm, provision of food, and limited music and dance events.

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applications on North Road and the potential cumulative impacts of increased numbers of premises selling alcohol without food (section 3.21 of the Durham County Licensing Policy).

My concerns and those of other local residents focus mainly on adverse impact through:

a. Public nuisance (section 7.3 of the Durham County Licensing Policy), particularly noise, littering, public hygiene, and increased usage of Tenter Terrace and Station Bank, especially late at night.

b. Crime, disorder and antisocial behaviour (section 7.1 of the Licensing Policy), safety of residents and other users of the street, including children and various categories of vulnerable people.

Objections to proposed variations in the licence application

1. Potential outdoor drinking and/or smoking areas

The application summary makes reference to "Late night refreshment (indoors and outdoors) from 11pm to 1am". There is no specific reference to outdoor drinking, smoking or gathering between 9am and 11pm in the online summary of the application but this seems to be implicit. We will be seeking further information about these plans.

We object strongly to this request, especially if it involves the development or use of any outdoor areas to the rear, sides, or top of the premises. There have not been previously been any outdoor areas used for drinking, smoking or gathering in any of these locations. Were this to change in any way, this would have very significant adverse impacts on residents. The primary adverse impact is noise. We have other serious concerns about adverse impacts of light, smoke, and potential overlooking.

2. Off licence sales

The application makes reference to 'sale of alcohol, on and off the premises' until 1am.

We object to this proposal on the basis that sale of alcohol off the premises would be likely to exacerbate the existing problems in the area of on-street drinking, underage drinking, litter, public urination and associated antisocial behaviour and crime on Tenter Terrace and the surrounding area.

We are not aware of any other business on North Road that sells alcohol off the premises after 11pm.

3. The change from drinking with food service to drinking without food service.

The change from drinking without service suggests a substantive change in character of the premises from that under the previous licensee, which served food throughout the day and evening. Our concern about this change intersects with our other objections.

'All day' and 'late night' drinking without food may significantly increase intensity of use and potential for a range of adverse impacts, particularly crime and antisocial behaviour. In addition it may lead to customers buying fast food and taking it to Tenter Terrace and Station Bank to eat it throughout the day and night, exacerbating other problems and increasing litter and waste.

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Yours sincerely,

C Davis

From: DOREY, P E.
Sent: 24 May 2023 10:47
To: AHS Licensing
Cc:
Subject: Licensing Act applications

Re: Application for variation of a premises license – The Water House, 65 North Road, Durham, DH1 4SQ.

Dear Madam or Sir,

I am writing to add my personal voice to the objections to aspects of the application for a variation to the premises licence for The Water House, as the owner/occupier of Tenter Terrace. In particular I endorse the concerns expressed by my neighbour, A Metcalfe, in a letter to you which is copied below. Two particular points are of special concern to me as a resident:

1. The inclusion of the word “outside” at various points of the application. To the best of my knowledge there are no spaces for outside drinking or smoking as things stand, and certainly none at the rear of the property which abuts Tenter Terrace. In terms of impact on the residential neighbourhood this is crucial, and I would ask that the word “outside” be struck from the application, or at least it be clarified that this would only apply to the front (North Road) side of the building.
2. The requested extensions of opening hours for a premises which abuts a residential area significantly increases the risk of noise, public nuisance and crime, something which is already a problem in the area.

Yours faithfully,

P Dorey
Tenter Terrace
Durham DH1 4RD.

Durham County Council Licensing Services

PO Box 617

Durham

DH1 9HZ

23 May 2023

Dear Madam or Sir,

Re: Application for variation of a premises license – The Water House, 65 North Road, Durham, DH1 4SQ.

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This has come to the attention of residents, business owners and other interested parties. only recently. We will be seeking additional information to improve our understanding of the application.

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The street is generally quiet. Little noise from the ground level frontage of North Road reaches the street. However, noise from music, parties and gatherings in the student houses in North Road which back onto Tenter Terrace, has regular and significant adverse impacts on residents on the street. As does noise from the Angel Inn, on Lumsden's Yard, which is significantly further away than the Water House. The Head of Steam should not be considered a precedent for the Water House, as its position, to the south of Tenter Terrace, surrounded by steep banks mean that noise does not carry to Tenter Terrace in the same way. However, this could be a function of the nature of usage in the Head of Steam with sale of alcohol until 11pm, provision of food, and limited music and dance events.

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We object strongly to this request, especially if it involves the development or use of any outdoor areas to the rear, sides, or top of the premises. There have not been previously been any outdoor areas used for drinking, smoking or gathering in any of these locations. Were this to change in any way, this would have very significant adverse impacts on residents. The primary adverse impact is noise. We have other serious concerns about adverse impacts of light, smoke, and potential overlooking.

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Yours sincerely,

A Metcalfe

Tenter Terrace

Durham

DH1 4RD

From: A Grant-salih
Sent: 24 May 2023 13:35
To: AHS Licensing
Subject: Petition against Beer Garden

Dear Madam or Sir,

Re: Application for variation of a premises license – The Water House, 65 North Road, Durham, DH1 4SQ.

I am writing to respond and register objections to the application for variation of the premises licence for The Water House, 65 North Road, Durham, DH1 4SQ, submitted by Amber Taverns.

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Yours sincerely, A Grant-Salih, D Caro and J morris

From: I LAING
Sent: 22 May 2023 12:51
To: AHS Licensing
Subject: Licensing Act applications

Re: Application to vary a premises licence at The Water House, 64 North Road, Durham, DH1 4SQ

Dear Sir/Madam,

We write to object to the above application on the grounds of potential increase in crime and disorder, public nuisance and public health.

We are the residents of Tenter Terrace, a cul-de-sac which lies directly behind North Road some of whose gardens are separated from the pub by just a short wooden fence.

The residents are concerned that the changes to licensing hours, the introduction of live music/karaoke and allowing outside drinking proposed by Amber Taverns will lead to a great deal more noise and trouble from late night drinkers and consequent disruption to our lives. We are also concerned that a drinks-only pub will attract more people eating takeaway food and leaving litter on the street as has been the case for years, but especially when the bulk of Durham's nightlife was more focused around the North Road.

There is already loud noise late night from music from clubs on North Road and we already have to put with drug dealers using the St Godric's Church car park and the back lane behind the terrace which has led the police to put up CCTV and increase patrols in the area. This is likely to be further encouraged by attracting more drinkers to the area, later at night and throughout some nights. We are also disturbed by cars and taxis picking up customers in the early hours and this will undoubtedly increase that.

We already get woken up by students partying loudly in North Road flats, especially when their windows are open and have called the police to complain and we or they have to go round to break up the parties.

We are already woken by shouting and fighting drunks from North Road while they wait for buses and cabs or pick up takeaways and come up to the terrace for somewhere to sit or use as a toilet.

There are also children and others who gather in the car park and frequently go into the rear of the buildings used by Arriva bus drivers, the vegetable shop and the charity shops below. They also climb dangerously onto the roofs of the building overlooking North Road and vandalise the fences and also go to sit in our gardens. We feel this application will only make the situation worse.

The proposal for all-night opening on Bank holidays and religious holidays and the later opening hours and outdoor seating represents a significant change to the rules under which the business operated as Wetherspoons.

We welcomed the council's policy to encourage the movement of late-night drinking to the Millennium Place area where there are fewer residents and businesses which are not food outlets. We are sorry that this, along with the application from WLHPlus to open its karaoke bar to 2.30am, will seem to indicate a reverse of that policy. We used to have persistent serious problems with drunken late night behaviour and trouble before the opening of Millennium Place and we fear this plan will mean all this returns if the application goes through without amendment.

The proposal for all-night opening on Bank holidays and religious holidays and the later opening hours and outdoor seating represents a substantial change to the rules under which the business operated as Wetherspoons.

We have also spoken to several businesses around North Road who are concerned about the additional drinking, mess and trouble-making this will bring to the street throughout the day.

We accept that living in the centre historic centre has its conveniences and views but also means tolerating some level of night-time culture and we put up with noise and drunks turning up on the street. But we feel that attracting more and at less sociable hours is likely to bring this to an intolerable level.

Unusually for Durham city centre we are a street mostly occupied by long-term residents, many of whom are retired or work from home. There is also on the street a Franciscan Priory, which is home to friars, and linked to St Godric's Church behind the terrace. Both priory and church have for years held peaceful worship and services regularly, obviously including on religious holidays and they are concerned about noise, trouble and disturbance to their peace and that of those who attend services.

We feel this change to the licence substantially threatens the quality of our lives and a threat to public health and a rise in crime.

Yours,

I and S Laing

Rev P Coleman of

N Christian

Prof P Dorey

Prof P Hodgkinson

A Metcalfe

P Colman

A Whalley

S Robinson, proprietor of

From: A Metcalfe

Sent: 24 May 2023 04:50

To: AHS Licensing

Cc:

Subject: Response - application to vary a premises license. The Water House, 65 North Road, DH1 4SQ

Durham County Council Licensing Services

PO Box 617

Durham

DH1 9HZ

23 May 2023

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Proximity to North Road means that Tenter Terrace is in an area with existing problems (We note section 5.6 of the County Durham Licensing Policy). For local residents, these generally arise from people coming up Station Bank from North Road and often involve alcohol use and intoxication. They include public drinking, underage drinking, assaults, sexual assaults, intimidation, public urination and defecation, drug use, drug dealing, littering, vandalism of cars and property, trespass, antisocial behaviour, and rough sleeping. These problems affect Tenter Terrace, Station Bank, the service areas of North Road shops and business adjacent to Tenter Terrace, and the grounds of St Godric's Church and St Francis Priory. We also note the presence of other current licence applications on North Road and the potential cumulative impacts of increased numbers of premises selling alcohol without food (section 3.21 of the Durham County Licensing Policy).

My concerns and those of other local residents focus mainly on adverse impact through:

- a. Public nuisance (section 7.3 of the Durham County Licensing Policy), particularly noise, littering, public hygiene, and increased usage of Tenter Terrace and Station Bank, especially late at night.
- b. Crime, disorder and antisocial behaviour (section 7.1 of the Licensing Policy), safety of residents and other users of the street, including children and various categories of vulnerable people.

Objections to proposed variations in the licence application

1. Potential outdoor drinking and/or smoking areas

The application summary makes reference to "Late night refreshment (indoors and outdoors) from 11pm to 1am". There is no specific reference to outdoor drinking, smoking or gathering between 9am and 11pm in the online summary of the application but this seems to be implicit. We will be seeking further information about these plans.

We object strongly to this request, especially if it involves the development or use of any outdoor areas to the rear, sides, or top of the premises. There have not been previously been any outdoor areas used for drinking, smoking or gathering in any of these locations. Were this to change in any way, this would have very significant adverse impacts on residents. The primary adverse impact is noise. We have other serious concerns about adverse impacts of light, smoke, and potential overlooking.

2. Off licence sales

The application makes reference to 'sale of alcohol, on and off the premises' until 1pm.

We object to this proposal on the basis that sale of alcohol off the premises would be likely to exacerbate the existing problems in the area of on-street drinking, underage drinking, litter, public urination and associated antisocial behaviour and crime on Tenter Terrace and the surrounding area.

We are not aware of any other business on North Road that sells alcohol off the premises after 11pm.

3. The change from drinking with food service to drinking without food service.

The change from drinking without service suggests a substantive change in character of the premises from that under the previous licensee, which served food throughout the day and evening. Our concern about this change intersects with our other objections.

'All day' and 'late night' drinking without food may significantly increase intensity of use and potential for a range of adverse impacts, particularly crime and antisocial behaviour. In addition it may lead to customers buying fast food and taking it to Tenter Terrace and Station Bank to eat it throughout the day and night, exacerbating other problems and increasing litter and waste.

4. Opening hours

I and other local residents object to the proposal to extend the licensed hours of sale of alcohol until 1pm every night of the week.

Previous practice at the previous licence holder, Wetherspoons, was until 12 pm during the week and 1 pm at weekends. The additional hour, until 2pm on specified days and bank holidays also marks an adjustment from previous practice. The 'all night' license applied for, for New Year's Eve is also a significant concern.

Our concerns relate to the potential for increased adverse impact via public nuisance and crime until later in the night on more occasions.

5. Live and recorded music and dancing.

I and other residents object to the requests for live music and dancing. These also suggest a change of character of the premises from that under the previous license holder. They suggest greater intensity of use throughout the day and especially late at night. There are obvious potential impacts in terms of noise.

Given that these are stated as being 'indoor', it is possible that these could be mitigated, but we are keen to learn more about this aspect of the application.

6. Internal reorganisation

As we were only aware of the licence application recently we have not been able to see the detailed proposals for internal reorganisation. The development for a karaoke room is a cause for concern. We also have concerns about the possibility of changes to the rear exterior of the building that could increase noise, light pollution, or overlooking. We will be seeking further information about these plans.

Plant noise was already a problem from the Water House, with a constant hum from the premises. Any measure that increased this noise would be problematic. Any that reduced it would be welcome.

I and other local residents are not against all licensed businesses or nightlife. We would like to work constructively with the County Council and licence applicants or holders to find a balance that ensures that licenced premises close to Tenter Terrace operate in ways that do not have adverse impacts for local residents and communities. We would like to see North Road vibrant, viable, and attractive for a wide range of users, but we note section 3.20 of the Durham County Licensing Policy, 'the council shall not consider 'need' or commercial demand when exercising any licensing function'. At the same time we wish to preserve the increasingly rare character of Tenter Terrace as a street in Durham City Centre attractive to professionals and couples and individuals starting out.

Yours sincerely,

A Metcalfe

Tenter Terrace

Durham

DH1 4RD

From: S Robinson
Sent: 24 May 2023 15:53
To: AHS Licensing
Subject: The Waterhouse, 65 North Road/Durham DH1 4SQ/prepresentation,application for variation of a premises licence.

Durham County Council Licensing Services

PO Box 617

Durham

DH1 9HZ

24 May 2023

Dear Madam or Sir,

Re: Application for variation of a premises license – The Water House, 65 North Road, Durham, DH1 4SQ.

I am writing to respond and register objections to the application for variation of the premises licence for The Water House, 65 North Road, Durham, DH1 4SQ, submitted by Amber Taverns.

I am the proprietor of _____ on North Road.

This has come to the attention of residents, business owners and other interested parties. only recently. We will be seeking additional information to improve our understanding of the application.

Based on our current understanding of the application to vary the premises licence it appears that there it will lead to unacceptably adverse impacts on local residents and on the surrounding environment. These are outlined below.

We expressly reserve the right to add to our objection and we would wish to be keep informed of any developments and opportunities to attend any hearing and be heard.

These objections are informed by the local policy context, most notably the Durham County Council Licensing Act 2003: Statement of Licensing Policy, 2019 to 2024, and the Durham Parish Council Durham City Neighbourhood Plan.

I have a number of concerns and objections as the owner of a business very close to the Water House,

- a. My business has experienced criminal damage, with recent incidents including smashed windows. Most recently, this occurred late on a Saturday night and was most likely linked to intoxication. This compromises the safety and security of the shop, incurs costs, and causes significant inconvenience.
- b. Both front and rear of the shop are impacted by public nuisances including urination, defecation and vomiting which adversely impact hygiene, safety, and the experience of staff and costumers. They also incur cleaning costs.
- c. The service area is already subject ot regular trespass, antisocial behaviour and crime. Impacts on the service area on Tenter Terrace impact on my property and that of staff, such as cars.

d. Proposals for the Water House, and the character of North Road in General may have substantive adverse impacts on the daily experience, working environment and safety of the staff of Robinson's Greengrocers. This applies to use of the service area to the rear and to the front of the shop.

The service area for _____ backs onto Tenter Terrace and is a close neighbour for The Water House. I am a daily user of the street and consider myself member of the Tenter Terrace neighbourhood and community. In that capacity I fully understand and fully endorse all of the concerns expressed by residents below.

Local environmental context

The Water House backs immediately onto Tenter Terrace. Tenter Terrace runs parallel to North Road, connected to it by Station Bank. At the north end sits St Godric's Church and at the South end sits St Francis Priory. It is a residential street that is currently (usually) quiet and tranquil cul de sac. It is one of very few streets in the City Centre popular with young professionals and couples starting out – we note the focus in section 4.159 of the Durham City Neighbourhood plan on this type of residential area and the special attention it gives to safety and noise.

The street is generally quiet. Little noise from the ground level frontage of North Road reaches the street. However, noise from music, parties and gatherings in the student houses in North Road which back onto Tenter Terrace, has regular and significant adverse impacts on residents on the street. As does noise from the Angel Inn, on Lumsden's Yard, which is significantly further away than the Water House. The Head of Steam should not be considered a precedent for the Water House, as its position, to the south of Tenter Terrace, surrounded by steep banks mean that noise does not carry to Tenter Terrace in the same way.

Proximity to North Road means that Tenter Terrace is in an area with existing problems (We note section 5.6 of the County Durham Licensing Policy). For local residents, these generally arise from people coming up Station Bank from North Road and often involve alcohol use and intoxication. They include public drinking, underage drinking, assaults, sexual assaults, intimidation, public urination and defecation, drug use, drug dealing, littering, vandalism of cars and property, trespass, antisocial behaviour, and rough sleeping. These problems affect Tenter Terrace, Station Bank, the service areas of North Road shops and business adjacent to Tenter Terrace, and the grounds of St Godric's Church and St Francis Priory. We also note the presence of other current licence applications on North Road and the potential cumulative impacts of increased numbers of premises selling alcohol without food (section 3.21 of the Durham County Licensing Policy).

My concerns and those of local residents focus mainly on adverse impact through:

- a. Public nuisance (section 7.3 of the Durham County Licensing Policy), particularly noise, littering, public hygiene, and increased usage of Tenter Terrace and Station Bank, especially late at night.
- b. Crime, disorder and antisocial behaviour (section 7.1 of the Licensing Policy), safety of residents and other users of the street, including children and various categories of vulnerable people.

Objections to proposed variations in the licence application

1. Potential outdoor drinking and/or smoking areas

The application summary makes reference to "Late night refreshment (indoors and outdoors) from 11pm to 1am". There is no specific reference to outdoor drinking, smoking or gathering between 9am and 11pm in the online summary of the application but this seems to be implicit. We will be seeking further information about these plans.

We object strongly to this request, especially if it involves the development or use of any outdoor areas to the rear, sides, or top of the premises. There have not been previously been any outdoor areas used

for drinking, smoking or gathering in any of these locations. Were this to change in any way, this would have very significant adverse impacts on residents and the neighbourhood and community. The primary adverse impact is noise. We have other serious concerns about adverse impacts of light, smoke, and potential overlooking.

2. Off licence sales

The application makes reference to 'sale of alcohol, on and off the premises' until 1am.

We object to this proposal on the basis that sale of alcohol off the premises would be likely to exacerbate the existing problems in the area of on-street drinking, underage drinking, litter, public urination and associated antisocial behaviour and crime on Tenter Terrace and the surrounding area.

We are not aware of any other business on North Road that sells alcohol off the premises after 11pm.

3. The change from drinking with food service to drinking without food service.

The change from drinking without service suggests a substantive change in character of the premises from that under the previous licensee, which served food throughout the day and evening. Our concern about this change intersects with our other objections.

'All day' and 'late night' drinking without food may significantly increase intensity of use and potential for a range of adverse impacts, particularly crime and antisocial behaviour. In addition it may lead to customers buying fast food and taking it to Tenter Terrace and Station Bank to eat it throughout the day and night, exacerbating other problems and increasing litter and waste.

4. Opening hours

I and local residents object to the proposal to extend the licensed hours of sale of alcohol until 1am every night of the week.

Previous practice at the previous licence holder, Wetherspoons, was until 12 am during the week and 1 am at weekends. The additional hour, until 2pm on specified days and bank holidays also marks an adjustment from previous practice. The 'all night' license applied for, for New Year's Eve is also a significant concern.

Our concerns relate to the potential for increased adverse impact via public nuisance and crime until later in the night on more occasions.

5. Live and recorded music and dancing.

I and other residents object to the requests for live music and dancing. These also suggest a change of character of the premises from that under the previous license holder. They suggest greater intensity of use throughout the day and especially late at night. There are obvious potential impacts in terms of noise.

Given that these are stated as being 'indoor', it is possible that these could be mitigated, but we are keen to learn more about this aspect of the application.

6. Internal reorganisation

As we were only aware of the licence application recently we have not been able to see the detailed proposals for internal reorganisation. The development for a karaoke room is a cause for concern. We also have concerns about the possibility of changes to the rear exterior of the building that could increase noise, light pollution, or overlooking. We will be seeking further information about these plans.

Plant noise was already a problem from the Water House, with a constant hum from the premises. Any measure that increased this noise would be problematic. Any that reduced it would be welcome.

I and local residents are not against all licensed businesses or nightlife. We would like to work constructively with the County Council and licence applicants or holders to find a balance that ensures that licenced premises close to Tenter Terrace operate in ways that do not have adverse impacts for local residents and communities. We would like to see North Road vibrant, viable, and attractive for a wide range of users, but we note section 3.20 of the Durham County Licensing Policy, 'the council shall not consider 'need' or commercial demand when exercising any licensing function'. At the same time we wish to preserve the increasingly rare character of Tenter Terrace as a street in Durham City Centre attractive to professionals and couples and individuals starting out.

Yours sincerely,

S Robinson
Proprietor -
 Tenter Chambers,
 North Rd,
Durham
DH1 4SQ

S Robinson.

From: A Whaley
Sent: 24 May 2023 16:28
To: AHS Licensing
Subject: Application for variation of a premises license – The Water House, 65 North Road, Durham, DH1 4SQ

Durham County Council Licensing Services

PO Box 617

Durham

DH1 9HZ

24 May 2023

Dear Madam or Sir,

Re: Application for variation of a premises license – The Water House, 65 North Road, Durham, DH1 4SQ.

I am writing to respond and register objections to the application for variation of the premises licence for The Water House, 65 North Road, Durham, DH1 4SQ, submitted by Amber Taverns.

This has come to the attention of residents, business owners and other interested parties. only recently. We will be seeking additional information to improve our understanding of the application.

Based on our current understanding of the application to vary the premises licence it appears that there it will lead to unacceptably adverse impacts on local residents and on the surrounding environment. These are outlined below.

We expressly reserve the right to add to our objection and we would wish to be keep informed of any developments and opportunities to attend any hearing and be heard.

These objections are informed by the local policy context, most notably the Durham County Council Licensing Act 2003: Statement of Licensing Policy, 2019 to 2024, and the Durham Parish Council Durham City Neighbourhood Plan.

Local environmental context

The Water House backs immediately onto Tenter Terrace. Tenter Terrace runs parallel to North Road, connected to it by Station Bank. At the north end sits St Godric's Church and at the South end sits St Francis Priory. It is a residential street that is currently (usually) quiet and tranquil cul de sac. It is one of very few streets in the City Centre popular with young professionals and couples starting out – we note the focus in section 4.159 of the Durham City Neighbourhood plan on this type of residential area and the special attention it gives to safety and noise.

The street is generally quiet. Little noise from the ground level frontage of North Road reaches the street. However, noise from music, parties and gatherings in the student houses in North Road which back onto Tenter Terrace, has regular and significant adverse impacts on residents on the street. As does noise from the Angel Inn, on Lumsden's Yard, which is significantly further away than the Water House. The Head of Steam should not be considered a precedent for the Water House, as its position, to the south of Tenter Terrace, surrounded by steep banks mean that noise does not carry to Tenter

Terrace in the same way. However, this could be a function of the nature of usage in the Head of Steam with sale of alcohol until 11pm, provision of food, and limited music and dance events.

Proximity to North Road means that Tenter Terrace is in an area with existing problems (We note section 5.6 of the County Durham Licensing Policy). For local residents, these generally arise from people coming up Station Bank from North Road and often involve alcohol use and intoxication. They include public drinking, underage drinking, assaults, sexual assaults, intimidation, public urination and defecation, drug use, drug dealing, littering, vandalism of cars and property, trespass, antisocial behaviour, and rough sleeping. These problems affect Tenter Terrace, Station Bank, the service areas of North Road shops and business adjacent to Tenter Terrace, and the grounds of St Godric's Church and St Francis Priory. We also note the presence of other current licence applications on North Road and the potential cumulative impacts of increased numbers of premises selling alcohol without food (section 3.21 of the Durham County Licensing Policy).

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'All day' and 'late night' drinking without food may significantly increase intensity of use and potential for a range of adverse impacts, particularly crime and antisocial behaviour. In addition it may lead to customers buying fast food and taking it to Tenter Terrace and Station Bank to eat it throughout the day and night, exacerbating other problems and increasing litter and waste.

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Previous practice at the previous licence holder, Wetherspoons, was until 12 am during the week and 1 am at weekends. The additional hour, until 2pm on specified days and bank holidays also marks an adjustment from previous practice. The 'all night' license applied for, for New Year's Eve is also a significant concern.

Our concerns relate to the potential for increased adverse impact via public nuisance and crime until later in the night on more occasions.

5. Live and recorded music and dancing.

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Given that these are stated as being 'indoor', it is possible that these could be mitigated, but we are keen to learn more about this aspect of the application.

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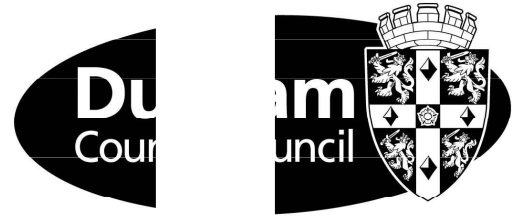
Yours sincerely,

A Whaley
Tenter Terrace
Durham
DH1 4RD

Sendt fra min iPhone

Appendix 5: Responsible Authorities Comments

Contact: Kelly Scott
Direct Tel:
email:
Your ref:
Our ref: CON28/23/01117



Tracey Marie Lock
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

24th May 2023

Dear Tracey Marie Lock

Town and Country Planning Act 1990 (as amended)

Proposed Variation of a premises licence
At The Water House 65 North Road Durham DH1 4SQ
For Tracey Marie Lock

A consultation has been forwarded on to the Local Planning Authority regarding the New premises licence.

An application for the change of use to a Public House was submitted in 2001 (ref: 4/01/00070/FPA) and refused. However, the application went to appeal and was subsequently allowed.

Given there were no conditions attached in regards to opening hours and that it is a well-established public house, it is considered that there are no planning implications.

Therefore, there are no concerns from a planning point of view.

However, if any new signage or external alterations are proposed the applicant is advised to submit a planning enquiry as these works may require a planning application/advertisement consent to be submitted.

Yours sincerely

Kelly Scott
Planning Officer

Regeneration, Economy and Growth

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

From: Licensed Economy Team
Sent: 16 May 2023 09:41
To: Tracey Lock
Cc: AHS Licensing
Subject: RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - VARIATION OF A PREMISES LICENCE - THE WATER HOUSE 65 NORTH ROAD DURHAM DH1 4SQ

Good morning,

Durham Constabulary have no objections

Thank you

Kind regards

Vikki 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

Subject: LICENSING ACT 2003 - APPLICATIONS RECEIVED - VARIATION OF A PREMISES LICENCE - THE WATER HOUSE
65 NORTH ROAD DURHAM DH1 4SQ

The following application has been received/accepted by Durham County Council.

Enforcement/Les – please check that the blue notice is displayed correctly.

1

Application Type - Application for a Variation of a premises licence

Applicant: - Amber Taverns

Premises – The Water House 65 North Road Durham DH1 4SQ

Date of Application – 26 April 2023

Last date for representations – 24 May 2023

Please note the last date for representations

If anyone has any comments to make in regards to the application i.e. additional conditions / changes in times can you please contact Helen Johnson, Licensing Team Leader either by email on helen.johnson@durham.gov.uk Helen will look to see if any other responsible authority has any similar concerns and will look to arrange a meeting with the applicant to discuss further.

Regards

Tracey Marie Lock

Licensing Officer

Community Protection Service

Neighbourhood and Climate Change

Durham County Council

Annand House

Meadowfield

Durham

DH7 8RS



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: Amy Davison

Ext:

Date: 28 April 2023

Ext: Our Ref: 7A40850025
Your Ref:
Direct Dial Telephone:
E-mail:

Dear Tracey,

Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005
Amber Taverns, The Water House, 65 North Road, Durham, DH1 4SQ

I acknowledge your application dated 27 April 2023 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 sincerely,

From: Public Health
Sent: 26 April 2023 16:46
To: Helen Johnson - Licensing Team Leader (N'hoods)
Cc: Tracey Lock; AHS Licensing
Subject: RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - VARIATION OF A PREMISES LICENCE - THE WATER HOUSE 65 NORTH ROAD DURHAM DH1 4SQ

Dear Colleagues

I have received an application to vary a licence for the establishment: THE WATER HOUSE 65 NORTH ROAD DURHAM DH1 4SQ

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

My Ref: PH/2021/0318

Miss Tegan Egglestone
Business Services Apprentice
Public Health

Adult and Health Services
Green Lane Council Offices
Spennymoor
DL16 6JQ

The following application has been received/accepted by Durham County Council.

Enforcement/Les – please check that the blue notice is displayed correctly.

1

Application Type - Application for a Variation of a premises licence

Applicant: - Amber Taverns

Premises – The Water House 65 North Road Durham DH1 4SQ

Date of Application – 26 April 2023 Last date for representations – 24 May 2023

Please note the last date for representations

If anyone has any comments to make in regards to the application i.e. additional conditions / changes in times can you please contact Helen Johnson, Licensing Team Leader either by email on . Helen will look to see if any other responsible authority has any similar concerns and will look to arrange a meeting with the applicant to discuss further.

Regards

Tracey Marie Lock

Licensing Officer

Community Protection Service

Neighbourhood and Climate Change

Durham County Council

Annand House

Meadowfield

Durham

DH7 8RS

Our Ref: TM/Amber Taverns (The Water House)/0423

3rd May 2023

Amber Taverns,
The Water House
65 North Road
Durham
DH1 4SQ

Dear Sir/Madam,

Re: Application for a variation of premises Licence – Amber Taverns (The Water House)

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 Amber Taverns (The Water House).

I welcome your proposal for training of staff and verification of age.

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

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

- **Maintain a refusals register** – where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register / log to be updated. The register to be made available to the police on request.

Next Steps – You need to consider the representations I have made. If you are happy for the recommendations to be included in your application please confirm this by replying to the Licensing Section

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

Regards

Tracy Maratty
Durham Safeguarding Children Partnership Administration Officer

From: Helen Johnson - Licensing Team Leader (N'hoods)
Sent: 12 May 2023 10:16
To: DSCP Secure
Cc: Karen Robson; Yvonne Raine; Tracey Lock
Subject: FW: Application to vary a premises licence - The Water House 65 North Road Durham

Hi

Please see below response from Amber Taverns in response to your recommendation. I believe they have clarified they already do this as part of their operation so would not require a condition on the licence.

Thanks

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

From: Diana Freeman
Sent: 12 May 2023 10:06
To: Helen Johnson - Licensing Team Leader (N'hoods) <Helen.Johnson2@durham.gov.uk>
Subject: RE: Application to vary a premises licence - The Water House 65 North Road Durham

Good Morning

We would not need this as a condition on the premises licences this is already something that we do as part of Amber Taverns operation. We have a refusals register and a reminder on the till. (Challenge 25) We have a induction book which includes challenge 25 and non-service of Drunks. We also have online training and this is reset at least every 6 months, or when a major event takes place.

Regards Diana

From: Helen Johnson - Licensing Team Leader (N'hoods)
Sent: Thursday, May 11, 2023 9:32 AM
To: Diana Freeman
Subject: Application to vary a premises licence - The Water House 65 North Road Durham
Importance: High

Dear Diana

As you are aware the above application is out to consultation. Please see attach received from the Council's Durham Safeguarding Children's Partnership who are the responsible authorities. They would like to see a condition around maintaining a refusals register included within the operating schedule of the application for the promotion of the licensing objectives. Can you please consider and let me know if you agree to amend the application to include this as a condition?

Kind regards

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

Our Ref: TM/Amber Taverns (The Water House)/0423

18th May 2023

Amber Taverns,
The Water House
65 North Road
Durham
DH1 4SQ

Dear Sir/Madam,

Re: Application for a variation of premises Licence – Amber Taverns (The Water House)

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 Amber Taverns (The Water House).

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

Regards

Tracy Maratty
Durham Safeguarding Children Partnership Administration Officer

Appendix 6: Statement of Licensing Policy

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

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

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

The council expects every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden, a marquee, in a smoking shelter etc.

The **council expects** all applicants to demonstrate, in their operating schedules, that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business, have been identified and will be implemented and maintained with the intention of preventing crime and disorder.

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

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

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

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

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

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

The council also considers it to be good practice if the DPS or premises licence holder is present in the licensed area of the premises:

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

Maximum occupancy: When its discretion is invoked, the council will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that premises or event. Any such decision will be based on the nature and style of the operation.

The council will consider information provided by the applicant and any other body (the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service) before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

Security: Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives, they will need to be licensed by the SIA as a supervisor/manager. The numbers of licensed door supervisors, both male and female, required at any premises will be dependent upon the nature of the activities licensed and the characteristics and capacity of the establishment as well as the hours of trading.

Toughened/Safety Glass: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies especially to any premises associated with a higher risk for potential crime and disorder. This will be particularly

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

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

Drugs/Knives/Weapons: The council will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands or consumed within the premises to prevent tragedies and harm because of drug misuse.

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

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

7.2 Public Safety - The Act covers a wide range of premises that require licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants and people in the immediate vicinity who may be affected by the premises and activities taking place therein.

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

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

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

7.3 Prevention of Public Nuisance - Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping near the premises.

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

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

The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway, relevant authorisations will often be required from the Highways Authority. Enquiries concerning such consents should be made to the Council's Highway's Section (see Appendix III). In predominantly commercial areas, such as shopping centres, the use of tables and chairs outside may be allowed however, the **council will normally expect** them to be removed before the premises close, and any resulting litter/debris cleared away.

Applicants should consider reducing potential noise nuisance by, for example (this list is not exhaustive):

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

The extent to which the above matters will need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

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

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

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

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

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

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

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

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

Appendix 7: Section 182 Guidance

Crime and disorder

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

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

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire

¹ S 177 of the 2003 Act now only applies to performances of dance.

and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

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

period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.