

Statutory Licensing Sub-Committee

4th July 2023

Application for the grant of a
Premises Licence

Ordinary Decision



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

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

Electoral division(s) affected:

Brandon

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a Premises Licence for Meadowfield Store, 43 Frederick Street North, Durham DH7 8NB
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application requests the granting of a new Premises Licence and was submitted to the Licensing Authority on 6th April 2023 by Arka Licensing Consultants on behalf of the applicant Mr Tharmarajah Sriskantharajah.
- 4 The hearing for the consideration of this application has been previously adjourned on two occasions to ensure that the applicant and one of the other persons making representation could be in attendance. In these circumstances, the Licensing Authority considered adjournment of the hearing to be in the public interest and issued notices extending the time limit for a hearing.
- 5 The application requests the following:
 - Supply of Alcohol for consumption off the premises from 06:00 hours until 23:00 hours Monday to Sunday inclusive.
 - Opening Hours from 06:00 hours until 23:00 hours Monday to Sunday inclusive.

- 6 During the consultation period, the Licensing Authority received 16 representations opposing the application, all from Other Persons.
- 7 Responses were received from the Durham Safeguarding Children Partnership, Fire Safety Authority, the Council's Environmental Health Department and Durham Constabulary all confirming they had no comments to make regarding the application.
- 8 The Planning Authority responded with comments for information only. These comments were forwarded onto the applicant.

Recommendation(s)

- 9 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 10 The Sub-Committee is recommended to give appropriate weight to:
- (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations (including supporting information) presented by all parties;
 - (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 6;
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended December 2022). The relevant parts of the guidance are attached at Appendix 7.

Background

- 11 Background information

Applicant	Mr Tharmarajah Sriskantharajah	
Type of Application: New Premises Licence	Date received: 6th April 2023	Consultation ended: 4th May 2023

Details of the application

- 12 An application for the grant of a new Premises Licence was received by the Licensing Authority on 6th April 2023. A copy of the application is attached at Appendix 3.
- 13 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.

14 The activities and timings requested are as follows:

Licensable Activities	Days & Hours
Supply of Alcohol (consumption off the premises)	Monday to Sunday: 06:00 – 23:00 hrs
Open to the public	Monday to Sunday: 06:00 – 23:00 hrs

15 The applicant has proposed the conditions and steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application's Operating Schedule at Appendix 3.

The Representations

16 During the consultation period, the Licensing Authority received 16 objections, from the following other persons:

- Councillor Jonathan Elmer (other person)
- Councillor Paul Taylor (other person)
- Mr A Wilkinson (other person)
- Ms K Parrish (other person)
- Mrs D Stone (other person)
- Ms H Franklin (other person)
- Ms J Waggott (other person)
- Mr A Gavaghan (other person)
- Ms J Farrell (other person)
- Mr D and Mrs M Robb (other persons)
- Mr A Farrell (other person)
- Ms C Stewart (other person)
- Ms A Khan (other person)
- Ms K Fagan (other person)
- Ms JM Drane (other person)
- Mr J and Ms G Wandless (other persons)

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

- The Prevention of Crime and Disorder
- Public Safety

- The Prevention of Public Nuisance
- The Protection of Children from Harm

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

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

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

The Council's Planning Department responded to the consultation with comments, for information only.

Copies of these responses are attached at Appendix 5.

The Parties

19 The Parties to the hearing will be:

- Mr Tharmarajah Sriskantharajah (applicant)
- Mr Nira Suresh, Arka Licensing (applicant's agent)
- Councillor Jonathan Elmer (other person)
- Councillor Paul Taylor (other person)
- Mr A Wilkinson (other person)
- Ms K Parrish (other person)
- Mrs D Stone (other person)
- Ms H Franklin (other person)
- Ms J Waggott (other person)
- Mr A Gavaghan (other person)
- Ms J Farrell (other person)
- Mr D and Mrs M Robb (other persons)
- Mr A Farrell (other person)

- Ms C Stewart (other person)
- Ms A Khan (other person)
- Mr M Foster, Mincoffs Solicitors (Ms Khan's Solicitor)
- Ms K Fagan (other person)
- Ms JM Drane (other person)
- Mr J and Ms G Wandless (other persons)

Options

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

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

Main implications

Legal Implications

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

See Appendix 1.

Consultation

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

See Appendix 1

Conclusion

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

Background papers

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

Other useful documents

- None

Contact: Yvonne Raine

Tel: 03000 265256

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

Appendix 3: Premises Licence Application



* required information

Section 1 of 21

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	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="1155"/>	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?	<input checked="" type="radio"/> Yes <input type="radio"/> 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	<input type="text" value="THARMARAJAH"/>	
* Family name	<input type="text" value="SRIKANTHARAJAH"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/>	Indicate here if the applicant would prefer not to be contacted by telephone	

Is the applicant:

- | | |
|---|--|
| <input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader | 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. |
| <input type="radio"/> Applying as an individual | |

Applicant Business

Is the applicant's business registered in the UK with Companies House?	<input type="radio"/> Yes <input checked="" type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Is the applicant's business registered outside the UK?	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Business name	<input type="text" value="MEADOWFIELD STORE"/>	If the applicant's business is registered, use its registered name.
VAT number	<input type="text" value="-"/> <input type="text" value="NONE"/>	Put "none" if the applicant is not registered for VAT.

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

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.

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

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

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INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

THARMARAJAH

Family name

SRIKANTHARAJAH

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality

Right to work share code

[Documents that demonstrate entitlement to work in the UK](#)
[Right to work share code if not submitting scanned documents](#)

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OPERATING SCHEDULE

When do you want the premises licence to start? 15 / 05 / 2023
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

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.

THIS IS A RETAIL STORE IN RESIDENTIAL AREA, WAS OPERATING AS HAIR SALOON. THIS WILL NOW BE A LOCAL CONVENIENCE STORE. APPLICANT IS LOCAL AND HE HAS BEEN MANAGING SMALL RETAIL STORES OVER 5 YEARS. THIS WILL OPERATE AS A SMALL LOCAL STORE FOR LOCAL COMMUNITY.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing recorded music?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

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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 you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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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

Give 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.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give 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.

Continued from previous page...

TUESDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

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

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

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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)

Continued from previous page...

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

1. A Comprehensive recordable CCTV system will be installed and maintained covering the trade areas whilst encompassing all ingress and egress to the premises. The system must continually record whilst the premises is open for licensable activities and during all times when customers remain at the premises. The system must be capable of providing pictures of evidential quality, in particular facial recognition. All recordings must be stored for a minimum period of 31 days with date and time. Recordings must be made available immediately upon the request of a Police or Authorised Officer.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested.
3. A Challenge 25 proof of age scheme, shall be operated at the premises where the only acceptable forms of identification shall bear their photograph, date of birth and a holographic mark.
4. Premises to keep up to date records available for inspection of staff training in respect of age related sales.
5. A diary log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the licensing authority at all time whilst the premises are open.
6. The premise shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to, dealing with incidents and prevention of crime and disorder: sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc.) prior to being allowed to sell alcohol

b) The prevention of crime and disorder

AS DETAILED ABOVE

c) Public safety

AS DETAILED ABOVE

d) The prevention of public nuisance

AS DETAILED ABOVE

e) The protection of children from harm

AS DETAILED ABOVE

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

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- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

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 21 of 21

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.

Premises Licence 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

Premises licence fees can be calculated by visiting the Department for Culture Media and Sport website at http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/3193.aspx

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

Details of these additional fees can be found on the website http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4040.aspx

* Fee amount (£)

DECLARATION

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]. I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

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

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

* Full name

* Capacity

Continued from previous page...

* Date

<input type="text" value="06"/>	/	<input type="text" value="04"/>	/	<input type="text" value="2023"/>
dd		mm		yyyy

Add another signatory

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/apply-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 LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number	<input type="text" value="1155"/>
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](#) [19](#) [20](#) [21](#) [Next >](#)

MEADOWFIELD STORE
43 FREDERICK ST NORTH
MEADOWFIELD
DH7 8NB

SCALE 1:100

A: MAIN ENTRANCE

B: RETAIL FLOOR


C: SALES COUNTER


D: DISPLAY SHELVES / FRIDGES


E: TOILET

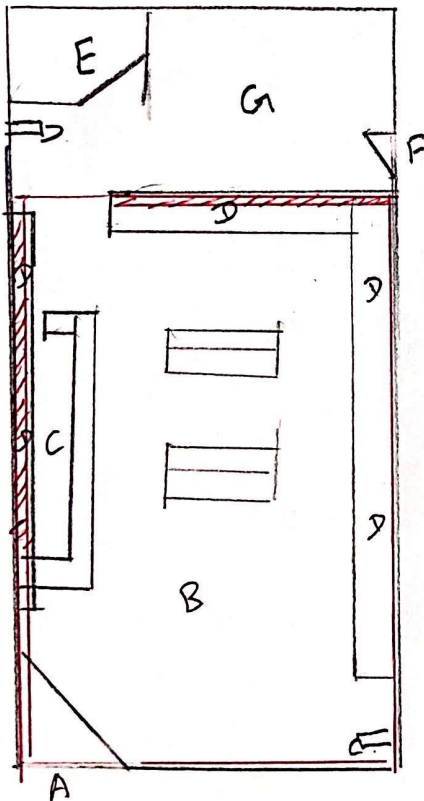
F: FIRE EXIT

G: STORE ROOM

: ALCOHOL DISPLAY

: LICENSABLE AREA

: FIRE EXTINGUISHERS



Appendix 4: Representations

From: Cllr Jonathan Elmer <

Sent: 19 April 2023 12:56

To: Tracey Lock <

Subject: RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE - MEADOWFIELD STORE 43 FREDERICK STREET NORTH MEADOWFIELD DH7 8NB

Hello Tracey


Thanks for your email in relation to the licence application made in relation to 43 Frederick Street North.

In response, I'd like to express my objection to the application. Alcohol is already available for purchase and consumption off the premises at vendors within this locality so there is certainly no justification in terms of evidenced need. However, what's of greater concern to me is that over recent weeks there has been an effective 'multi-agency' response to tackling anti-social behaviour in Brandon, and we have also experienced problematic behaviour in nearby Addison Park. This application can only serve to worsen anti-social behaviour, litter, and undermine the excellent work that has been conducted in the area.

Another issue connected with this application is that it will result in alcohol being sold until 11:00pm, and so customers and their cars will be in the vicinity for a longer period in the day. Frederick Street North is of mixed residential and retail use, so people live in close proximity to the application site. It's unlikely that they will welcome an increased number of customers outside their properties later at night.

Best regards,

Jonathan

Cllr Jonathan Elmer (he/him [Why this is here](#)) 

Elected representative for the Brandon division of Durham County Council

e:

m:

From: Cllr Paul Taylor
Sent: 19 April 2023 14:53
To: AHS Licensing <
Subject: Application For New Premises Licence

Application Type - Application for a New premises licence
Applicant: - Mr Tharmarajah Srikantharajah
Premises – Meadowfield Store 43 Frederick Street North Meadowfield DH7 8NB

I after due consideration I wish to object to the above application.

On Frederick Street North in Meadowfield we already have two retailers selling alcohol only a few metres either side of the proposed store.

Unfortunately, the area suffers from alcohol fuelled disturbances and anti-social behaviour, sadly I regularly receive complaints from local residents regarding unacceptable behaviour. I note that the close by convenience store closes at 9pm and it is proposed that the new premises would sell alcohol until 11pm, it is therefore my considered judgement that making alcohol more accessible, and for longer, will only exacerbate an already tremendously concerning situation and will have a severely detrimental effect on the lives of local people.

Directly opposite the proposed new store there is an alleyway between the houses on Frederick Street South which leads directly to Addison Park. I am sad to say that our much used and valued community park is regularly used by young people to congregate and drink alcohol on an evening, and at times, to play loud music and indulge in very rowdy behaviour, very often leaving our park strewn with empty beer cans and spirit bottles, the bottles are smashed, leaving glass lying in several areas. As a consequence, I have to contact the Green and Clean Team at Durham County Council on a regular basis to have our park cleansed.

Should this licence be granted I can foresee this anti-social behaviour escalating with alcohol being even more readily available and for longer.

In conclusion, I am of the view that granting a licence to sell alcohol at this location will result in the following:

- Increased anti-social behaviour
- A potential to lead to crime and disorder
- A risk to public safety
- Underage drinking and therefore causing harm to children
- Have a severely detrimental effect on the quality of life of local people

Thank you for your consideration.

Paul

Best Wishes

Councillor Paul Taylor
Representing the People of Brandon Division
on Durham County Council

Tel:
Mobile:

From: A Wilkinson
Sent: 19 April 2023 23:21
To: Licensing Applications <
Subject: [EXTERNAL]:licensing@durham.gov.uk

R.E.

Mr Tharmarajah Srikantharajah Meadowfield Store

43 Frederick Street North

Meadowfield

DH7 8NB

Application for off-licence sales.

This area is already a hotbed for antisocial behaviour and i think this would cause more.

We live approximately 200yds away and regularly experience drunk youths and children ganging up around the streets, smashing bottles, intimidating general public and vandalism.

I'm sure local police would re iterate this and agree it could / would create more .

The premises is adjacent to an alleyway leading to Addison Park where children and youths frequent in the evenings usually ending up with broken alcohol bottles smashed around the park and vandalism to play areas.

I also worry about the older generation in the area already apprehensive of venturing out in the evenings and some of these may not be aware of the application to which I suggest more information being made available via a leaflet drop or canvassing.

Sincerely

A Wilkinson

Frederick Street North

Meadowfield

From: K

Sent: 18 April 2023 12:35

To: AHS Licensing <

Subject: [EXTERNAL]:Complaint for new License to be issued at 43 Fredrick Street North Meadowfield

Hi,

I would like to complain/appose the application for the council to grant the below the license for the sale of alcohol at this address.

The area at present has more than enough shops that sell alcohol, two directly over the road and Meadowfield club on the corner!

We are trying to build a better community, and stop antisocial behaviour in the area. Currently we have teenagers gathering drinking alcohol in the park near to Meadowfield front street, further outlets for the sale of alcohol will just add to this ongoing problem.

A lot of peoples time applying for grants to better the area and money have gone into helping the community to overcome problems caused by the sale of alcohol.

Mr Tharmarajah Srikantharajah	Meadowfield Store 43 Frederick Street North Meadowfield DH7 8NB	Application for the grant of a premises licence Sale of alcohol (off the premises) Monday to Sunday 6.00am to 11.00pm
-------------------------------------	--	--

Kind Regards

K Parrish

From: D Stone <
Sent: 17 April 2023 19:41
To: AHS Licensing <
Cc: D Stone <
Subject: [EXTERNAL]:Licensing Act Applications

Mr Tharmarajah Srikantharajah	Meadowfield Store 43 Frederick Street North Meadowfield DH7 8NB	Application for the grant of a premises licence Sale of alcohol (off the premises) Monday to Sunday 6.00am to 11.00pm	4 May 2023
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Dear Licensing Committee

I am writing to register my objection to the application for a premises licence by Mr T Srikantharajah for 43 Frederick Street North Meadowfield DH7 8NB. The basis of this objection is there will be no benefit to the street or area due to already having a convenient store/off licence in the street no more than 50 metres away and 24hrs alcohol sales at the garage in the same street. With this said granting a further licence in the close proximity will not promote the 4 licensing objectives, especially the protection and safety of children and the prevention of public nuisance. I currently live at Frederick Street North and feel there is already plentiful pedestrian and vehicular traffic in the street. Traffic will double park by the lay-by causing disruption to the flow of traffic on an already busy road. This could also potentially cause harm to pedestrians too. The application proposes alcohol will be sold for consumption off the premises between 06.00am-23.00pm, seven days a week - how are these hours necessary and especially in a residential area. Residents of this street already suffer enough noise due to much more heavier flowing of traffic, noise nuisance of groups of children visiting the current store and banging on property windows and doors as they pass. Drunks walking past at night. Please could I urge the Committee to seriously consider the impact of another store/off-licence and especially the unnecessary hours applied for and refuse the application.

Many thanks in advance for your time
Mrs D Stone
Frederick Street North, Meadowfield Durham DH7 8NB

Sent from my iPad

From: H Franklin <
Sent: 17 April 2023 19:09
To: AHS Licensing
Subject: Licensing Act applications

Sent from [Mail](#) for Windows
Good evening.

I wish to present an objection to the granting of a licence to sell alcohol at 43, Frederick Street North, Meadowfield.

As a resident only a few doors away I have a number of concerns:

- I don't think it would be an asset to the area to have a third premises within 100 yards either way of 2 already established outlets.
- The traffic on the A690 is bad as it is, with another shop it will increase the volume of traffic making it even more hazardous in the area.
- The area is already having problems with young people and alcohol related incidents and this would have the probability to intensify the problems.
- The noise and disturbance that having somewhere open til 11 pm could cause.

I feel that as someone living so close myself and other residents should have had been informed of the pending application.

I hope that you will take these facts into considerations when you are assessing the application. I am sure if other people were aware there would be many objections.

Concerned resident
H Franklin
Frederick Street North

From: j waggott <
Sent: 19 April 2023 17:57
To: AHS Licensing <
Subject: [EXTERNAL]:Licensing Act Applications

Hi

I wish to formally object to the license application for 43 Frederick Street, Meadowfield.

I believe that there is already 2 other premises in that street which hold off- licenses (a convenience store and a garage) and a third is not necessary. Most importantly I feel that the anti social behaviour experienced in the area and in Addison Park would be greatly exacerbated by this additional license being granted. It is a problem as it is without further fuel to make it worse.

Many thanks
J Waggott

Sent from my iPhone

From: j waggott <j
Sent: 03 May 2023 07:02
To: Yvonne Raine <
Subject: Re: Re - Meadowfield Store, 43 Frederick Street North, Meadowfield

Dear Yvonne,

My address is The Hemmel, Browney, Durham DH7 8GX and my surname is Waggott.

In relation to the specific points re licensing:

The Prevention of Public Nuisance

Children/ youths are naturally attracted to shops and this is seen in the local other areas where shops are such as by Brandon's bus terminus and where there has been a considerable amount of trouble. Whilst I see the applicant has indicated there will be measures in place for this application, including CCTV and trained staff, this does not prevent gatherings of youths in the area, either directly by the shop or nearby.

The shop is in a highly populated area with lots of elderly residents, the people in the street would be troubled by increased footfall from 6am until closing time of 11pm and this would be likely to be a nuisance, aggravated by alcohol sales.

The Prevention of Crime and Disorder

There is an alley way which is opposite to the shop and directly leads to Addison Park. The park would be an attractive option for a gathering place for youths buying alcohol, as it already is. While I appreciate there are measures such as Challenge 21 proposed, this already occurs with the Frederick Street current store and the garage selling alcohol, and I am sure despite their best efforts. A further license would simply increase the risk of sales to

underage or irresponsible people who would be attracted to joining the gatherings in the park. We are experiencing anti social behaviours, damage to trees and play equipment, vandalism, and anxiety about going to or walking through the park when there are large gatherings, sometimes in the wider park but mainly at the pavilion. A further licensed premises would likely fuel the issues already being seen.

Public Safety

I refer to my point about difficulties in the park being potentially exacerbated by increased alcohol sales. There are already issues in the park with children and youths leaving glass alcohol bottles, smashed glass and litter, and driving quad bikes through there recklessly and without concern for children playing in the park. Additionally, gatherings of youths on the pavilion are often seen drinking alcohol or throwing missiles at the pavilion building and each other. Approaching these individuals and groups is not an option as they can be abusive and aggressive. An additional licensed premises would potentially increase accessibility of alcohol for these individuals.

The Protection of Children from Harm

I refer again to my point about gatherings, damage and anti social behaviour in the park being a significant risk. Some parents are already cautious about taking little ones to the park when there are gatherings or offensive behaviour occurring. Children do not need to be exposed to further offensive behaviour, graffiti, damaged equipment, which I believe will be consequence of having a further alcohol licence available so close to the park which is an attractive gathering point and sees much anti social behaviour already.

Many thanks

J

**A Gavaghan
Frederick Street North,
Meaodwfield,
Durham,
DH7 8NB.**

Email:

27 April 2023,

**Durham County Council,
PO Box 617,
Durham,
DH1 9HZ,**

Dear Sir, Madam,

I write in opposition to the 'application for the grant of a premises licence (sale of alcohol off the premises)' made by Mr Tharmarajah Srikantharajah pertaining to the following address;

Meadowfield Store,
43 Frederick Street North,
Meadowfield,
DH7 8NB.

I will send this document by post to the address above as well as by email to the following email address licensing@durham.gov.uk to ensure that this document is received.

Due to the nature of my objection I am also forwarding a copy of this correspondence to the Durham Police and Crime Commissioner at the address below. The rationale of this decision is to assist Durham Constabulary by raising awareness of a potential problem that proactively may reduce crime and antisocial behaviour. I am aware that reliable evidence suggests that proactive targeted policing and problem-solving is an effective cost-effective strategy for reducing a wide range of different crimes including antisocial behaviours and associated criminal activities.

I am the joint owner of the adjoining property to the one listed above in which Mr Tharmarajah Srikantharajah is making 'application for a for the grant of a premises licence (sale of alcohol off the premises)'. This property has been my family home since I was an adolescent, I deem therefore that I have an excellent knowledge of the local vicinity.

The immediate area has been plagued with an increase in vandalism, violent and anti-social behaviour that is increasing according to qualitative reports from local residents and quantitatively data according to Durham Constabulary statistics for the area. The area also has had incidents of serious crime.

Residents in both Frederick Street North (DH78NB) and the opposite street Frederick Street South (DH78NA) have experienced harassment and intimidation by means of threats of actual violence and abusive behaviour including verbal abuse. This anti-social behaviour causes distress and fear especially to the elderly and younger populace. Many residents are scared to leave their houses in particular the vulnerable such as the elderly, young and disabled, in addition friends and family are also afraid to visit the area.

The area is prone to vandalism, property damage and graffiti as well as the dumping of rubbish. Arson has been problematic including the total destruction of St John's Church Hall (DH7 8RP) in 2014 caused by teenagers setting fire to bins. The spate of stealing council bins from properties and wilfully and deliberately setting fire to them is a forever ever-increasing aspect of arson in the locality. I have had one of my council bins go missing recently assumed to be for the reason of arson. These bins are often found as charred remains in Addison Park (DH7 8GX) and the sports fields adjacent to Meadowfield District Sports Centre (DH7 8RG) and (DH7 8RT).

The residents of Frederick Streets both South and North are subjected to nuisance, noise including loud party type noise and loud music often taking place during unsocial hours, from the area of Addison Park (DH7 8GX) but also from groups of people transiting via the two Frederick Streets to that venue (Addison Park). A covered passageway which is a public right of way leads through Frederick Street South (DH78NA) to Addison Park (DH7 8GX). This passageway is exactly opposite 43, Frederick Street North (DH7 8NB) the property of the proposed application for the grant of a premises licence (sale of alcohol off the premises).

The area in general including the residential areas are constantly littered with rubbish, primarily used alcohol containers (tin, plastic and glass) as well as smashed glass and takeaway food containers. Urination in public places and on people's private property is also observed frequently by residents of both Frederick Street North and South.

The examples of antisocial behaviour including harassment and intimidation, vandalism, property damage and graffiti as well as arson in the area of the post codes DH78NB and DH78NA (the two Frederick Streets) are predominantly related to antisocial consumption of alcohol in public places mostly by underage drinkers.

The post code DH78NB already has a similar store selling alcohol at 15, Frederick Street North, which is less than 200 metres from 43, Frederick Street North the address of the application to sell alcohol. In addition the Jet Garage (DH7 8ND) approximately 200 metres away also has a 24-hour licence to sell alcohol. I suggest that the DH78NB post code area is already well appointment with sufficient businesses selling alcohol therefore does not require another similar business, therefore another similar business would not value the community.

Nevertheless, to the contrary an additional business selling alcohol between the hours of 0600 and 2300 adjacent to an entrance to Addison Park (DH7 8GX) has potential to increase specifically antisocial consumption of alcohol in a public place and generally escalate further associated antisocial behaviours and other crimes in the local vicinity.

Police resources are already under strain endeavouring to manage anti-social and other criminal behaviours. I argue that granting a licence to sell alcohol from the premises of 43, Frederick Street North, (DH7 8NB) daily between the hours of 0600 and 2300 will adversely influence and increase anti-social and other criminal behaviours in the area in particular the consumption of alcohol in public places therefore stretching Police resources even further. In addition the granting of a licence to sell alcohol from the property will in all probability escalate the existing levels of harassment, intimidation, antisocial and abusive behaviour that the residents are already subjected to.

In summary I object to the application for the grant of a premises licence (sale of alcohol off the premises)' made by Mr Tharmarajah Srikantharajah for the following reasons, the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children, elderly and others from harm.

For the avoidance of doubt or misinterpretation this is a genuine objection made by me as a part of the local community and is not a vexatious or frivolous objection.

Sincerely,

A Gavaghan MPhil. MA.

Copy to:

**Durham Police and Crime Commissioner's Office,
Durham Police Headquarters,
Aykley Heads,
Durham,
DH1 5TT.**

From: j farrell <
Sent: 02 May 2023 07:19
To: AHS Licensing <
Subject: [EXTERNAL]:43 Frederick Street North meadowfield DH7 8NB

Hello

I am a resident of Frederick Street North.

I strongly disagree with an off-licence convinant store at the above premises..

There is already two available.. kids already hang around drunks shouting banging on windows doors as there passing.. bottles cans and rubbish left out side your door and on window sills.. let alone the parking. Residents won't get parked they will start to park around the back which isn't good as its only small road. Emergency services will find it very difficult to get access. The convinant store at the bottom has the road totally blocked when they recieve deliverys now..

Sent from my Samsung Galaxy Note 9 - Powered by Three
Sent from [Outlook for Android](#)

From: r

Sent: 30 April 2023 21:37

To: AHS Licensing <

Subject: [EXTERNAL]:Mr Thormarajah Srikantharajal - premises licence for sale of alcohol

Hello My name is M Robb and my husband is D Robb Frederick Street North Meadowfield Durham DH7 8NB. We are very concerned about the above person who wishes to obtain an alcohol premises licence for 43 Frederick Street North Meadowfield Durham DH7 8NB. Allowing this will attract more trouble to the Street. Teenagers hanging around trying to get adults to buy alcohol for them etc. There has been peace over last year from kids causing unrest with police dealings. Our neighbours park their cars on the street and could be subject to damage as well as ours and we are not willing to put up with anymore hassle. We and neighbours walk our dogs. How do we know we would be safe with drunks hanging around. Cheap and bargain alcohol also could be lethal and dangerous to vulnerable people. There is plenty of venues that sell alcohol within their establishments around we do not one selling from 06.00 to 23.00 7 days a week. There is a lot of young children live nearby locally, what examples are we teaching them by allowing sale of alcohol at these premises. We put it to you it is not acceptable and to reject this license application.
Kind regards

D and M Robb

Sent from my Galaxy

From: A

Sent: 29 April 2023 21:32

To: AHS Licensing <

Subject: [EXTERNAL]:43 Frederick Street North

Hello, i would formally object to a alcohol license been granted for the above address. Firstly the description of the premises would suggest that it is a convenience store which this has never been . My main objection is that there is premier convenience store just 100 yards down the street and Meadowfield filling station 100 yards up the street. Both these premises serve alcohol with the filling station been 24 hours. As a resident of Frederick street north we already have anti social behaviour issues with groups of kids banging on windows, pulling tv cables off walls and kicking drain pipes off the walls. These should be documented by the police for verification.

Finally the applicant already has a shop at commercial street where the residents have major issues with gangs of children, bottles and cans left in streets and has been suggested without proof of underage selling of vapour products. On a personal note i have a looked after child with mental health issues (spectrum disorder, autism and adhd). She is only 6 and at present under SENDIAS who are trying to assess her needs. Having a shop with opening times of 06.00 till 11.00 7 days a week could have a negative impact on her wellbeing.

I hope you consider my concerns before making a decision for this license

Regards Mr Farrell

From: C Stewart
Sent: 03 May 2023 09:07
To: AHS Licensing <
Subject: [EXTERNAL]:Licensing act applications

To Whom It May Concern

I object to the following application.

Meadowfield Store
43 Frederick Street North
Meadowfield
DH7 8NB

I have serious concerns about another retail outlet in Meadowfield selling alcohol when there are already retailers only a few metres either side of these premises already selling alcohol. The petrol station is a 24-hour business and the Premier store supplies alcohol which is a few doors away.

I'm sure the residents of Frederick Street North of course understand that because of where they live, they will have people regularly walking and sometimes congregating in front their homes, however the nearby convenience store closes at 9pm, this proposed store would be open for the sale of alcohol until 11pm and therefore the potential for disturbance, rowdiness and alcohol fuelled disorder until very late is obvious.

Unfortunately, I cannot support this licence application to sell alcohol, I want to see these premises reopened in Meadowfield and a new business thrive, however I am greatly concerned about the potential negative consequences.

We must consider the following:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children

After much consideration I have taken the decision to formally object to the licence application.

Please ensure my personal details are not made available to the public.

Yours faithfully

C Stewart

Lobley Hill Road DH7 8RQ

From: Matt Foster
Sent: 03 May 2023 16:06
To: Yvonne Raine
Cc: AHS Licensing Licensing
Subject: [EXTERNAL]:FW: Objection to Licensing Application - Meadowfield Store, 43 Frederick Street North, DH7 8NB

Yvonne Raine
Senior Licensing Officer
Community Protection Service
Neighbourhoods and Climate Change
Durham County Council
PO Box 617
DURHAM
DH1 9HZ

Date: 3 May 2023
Our ref: MF/LICENSING
Your ref:
Direct dial:
Direct fax:
Email:

Email:

Dear Sir / Madam

New Premises Licence Application under the Licensing Act 2003

Applicant: Tharmarajah Srikantharajah

Premises: Meadowfield Store, 43 Frederick Street North, Meeadowfield, Durham, DH7 8NB Rep

We refer to the Application for a new Premises Licence in respect of the above premises, made by Tharmarajah Srikantharajah. We act for A Khan, a local resident who lives nearby the premises at Frederick Street North. She also works within her family business, which operates as a convenience store operating as Meadowfield Convenience Store.

The Applicant is seeking the following:

1. To permit the supply of alcohol off the premises, Monday to Sunday from 06:00 to 23:00; and
2. Opening hours as above.

The premises has previously traded as a hair salon, and so the planning use for this premises will likely not suit the hours and use to which the Applicant is proposing to put the premises. We are aware that this is not a planning matter and that the applicant may well be applying for planning, or intend to, but we would seek clarity on that from the Applicant.

Our client objects to the granting of this application on the following grounds:

1. The prevention of crime and disorder;
2. Public Safety;
3. Public Nuisance; and
4. The Protection of Children from harm.

We are told in the Application that the Applicant has operated similar premises for the past 5 years, but the Application has not provided any details of his other premises, so that we might rightly scrutinize those operations in order to assess the suitability of the Applicant here. We seek that further information immediately in order to clarify the assertions made about the Applicant in the Application. Without this further information it is difficult to assess the Application, since it is not accompanied by an Operating Schedule, merely a set of conditions.

Our client is concerned that the Applicant, having not submitted an operating schedule, has not properly risk assessed the premises, and has merely submitted conditions which have not been tailored to the characteristics of this area. Indeed, paragraph 2.26 of the Section 182 Guidance provides that the:

“Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.”

Whilst the applicant has addressed age restricted sales of alcohol, with challenge 25, we are still concerned about children accessing alcohol, particularly cheap alcohol, and would seek reassurance from the Applicant in regard to responsible sales of alcohol. For example, there is no reference to training in regard to proxy sales.

Our client has witnessed first-hand issues with children in the area trying to access alcohol, and how premises need to be robust in tackling this issue. They are concerned about the harm which could be caused by access to alcohol from a new operator unfamiliar with the area, and who has not properly risk assessed operating in the area. It is well known the issues that can be created by selling alcohol to children or allowing proxy sales. These include anti-social behavior, vandalism, assaults and various crimes against property and person. Again, there is no mention in the Application about the prevention of proxy sales or any awareness of the issues. Our client is also concerned about adults with substance abuse issues accessing cheap alcohol from an operator in this area, again creating issues in the area associated with street drinking.

It is the objector’s case that the location of the new off licence, operating to these hours is inappropriate within this residential setting. Since there has been no risk assessment carried out with this application they are also concerned in regard to the hours applied for. They are in no doubt that opening and selling alcohol from 06:00 and ending at 23:00 will create public nuisance, disturbing residents with the noise of customers, their cars and presumably deliveries. This will impact upon residents sleep, getting children to sleep at night and is unacceptable in a residential area. Our client is also concerned about the operation of the premises to these hours and whether that can be done safely.

Durham County Council have given due consideration to the hours that premises trade, based upon the type of operation and the location of the business. These are included in the ‘framework hours’ listed in the Council’s Statement of Licensing Policy (“SOLP”). On page 89 of the SOLP it provides that the hours for off licences shall not be before 07:00 on any day of the week. We would say that even those hours are not appropriate for a residential area such as this, and might be more appropriate in a City Centre location away from residents, or in more isolated locations away from resident’s houses. A narrative on framework hours within the SOLP at page 46 and 47. The council expects applicants to take account of this within their operating schedule explaining how they will address the licensing objectives. They particularly point applicants in the direction of particular factors, such as the location of the premises and characteristics of the area, neither of which has been addressed in an operating schedule.

My client is further concerned that residents will come into contact with customers hanging around the shop, having drunk too much and causing a disturbance. Those persons might not be able to get served and might pressure residents into purchasing alcohol on their behalf. There are elderly residents nearby who are easily worried by such behavior connected with alcohol.

Whilst there is no mention of alcohol deliveries within this application, my client is concerned that the longest hours for this application are in order to accommodate such an offering. Concern is quite rightly raised in regard to this in the Council’s SOLP at page 49, paragraph 5.12. Again, since there is no Operating Schedule this has not been addressed.

We have a few specific comments in regard to the proposed conditions:

1. We think CCTV should regard at all times, since the premises is a target for anti-social gatherings and possibly a target for crime. It's not unforeseeable that issues can arise outside of trading hours.
2. We think that CCTV should cover the outside of the premises, showing both directions as well as any rear entrance;
3. We think that staff training should be refreshed every 6 months, documented and like CCTV be available for inspection from the Police, Licensing Authority and Trading Standards;
4. Likewise, any log recording incidents or refusals should also be made available to Trading Standards;
5. We think the premises should provide an operating schedule would shows some risk assessment has taken place at the premises;
6. The hours are too long and should be cut down to 09:00 to 21:00.
7. Given the concerns raised, we would like to see a personal licence holder on the premises at all times that alcohol is being sold; and
8. We think that there should be a recorded in a diary details of who is responsible for the premises when the DPS is not there.

We have viewed the licensing plan which accompanies the application. It is clearly not accurate or to scale, given that parts of the drawing (such as the counter) appear to be drawn freehand. It is therefore not acceptable as an accurate drawing of the layout of the premises. We also understand that the plan only shows half of the premises which is being let, or as was occupied by the previous business. Is this an error or is the Applicant wanting to double the trading area at a later date?

We attach photographs of the Notice which appears on the premises. We would like the council to apply some scrutiny to that notice. Be believe that the type in the notice is not at font size 16 and the paper used is not 'pale blue'. We would ask for clarification on these two points.

On the basis of the above comments in regard to hours, a lack of any operating schedule or risk assessment, the plan and the notice we strongly suggest the applicant withdraw the application and properly prepare the application before resubmission. Or alternatively, find a premises more appropriate for the establishment of a business selling alcohol for off sales. Otherwise we would ask the Sub-Licensing Committee to take notice of residents in the area who variously have concerns regarding this application.

Yours sincerely

Partner
For Mincoffs Solicitors LLP

Mincoffs
SOLICITORS

Matt Foster
Partner

Direct Line |
Switchboard |

From: K Fagan <
Sent: 04 May 2023 02:10
To: AHS Licensing <
Subject: [EXTERNAL]:Objection to license

I am writing in relation to the license application taking place in number 43, Frederick street North, Meadowfield. I am currently a resident at number Frederick street north and I am very much concerned about the negative impact another alcohol license is going to bring in this area.

There is already a large amount of loitering and public nuisance in the area especially with underage children drinking and causing havoc, vandalising council bins and bus stops. Just today the neighbourhood wardens were about trying to get another alcoholic off the road in the back street further down on John street.

Another alcohol licence in this area is only going to create more problems not only for the residents living nearby but for the community. The hours are also concerning as they go into the late hours of 11pm again creating more public nuisance and noise disturbances. I am objecting to this license application as there is high chance this will create a further unsafe environment for families and children.

K Fagan

From:

Sent: 03 May 2023 20:56

To: AHS Licensing

Subject: [EXTERNAL]:Objection to the application for the grant of a premises licence made by Mr Tharmarajah Srikantharajah

J M Drane

**Lobley Hill Road
Meadowfield
Durham
DH78RQ
email: _**

**Durham County Council,
PO Box 617,
Durham,
DH1 9HZ,**

Dear Sir, Madam,

Please redact my personal information before uploading to public domain.

I write in opposition to the 'application for the grant of a premises licence (sale of alcohol off the premises)' made by Mr Tharmarajah Srikantharajah pertaining to the premises address

Meadowfield Store
43 Frederick Street North
Meadowfield
DH7 8NB

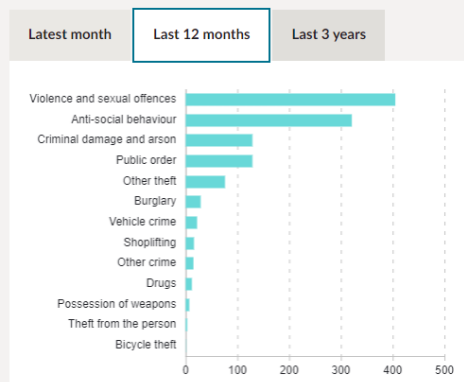
I am joint owner of the adjoining property detailed above for which Mr Tharmarajah Srikantharajah has submitted his 'application for a for the grant of a premises licence (sale of alcohol off the premises)'. This property has been my family home since 1977 I therefore have grave concerns that an additional business selling alcohol will not benefit the streets of Frederick Street North and Frederick Street South and the surrounding vicinity.

In recent months there has been an increase in alcohol fuelled behaviour by the younger generation. Durham Constabulary have to regularly visit Addison Park and the surrounding areas where vandalism, arson, anti-social behaviour, damage to property and the repeated destruction of a children's play area that 'Friends of Addison Park' local residents fought hard to raise the funding to provide this amenity for our local children. Beer bottles, wine bottles etc are smashed around the play area and the pavilion in Addison Park is littered with the remains of alcoholic beverages strewn in the surrounding perimeter of the building.

The above information can be confirmed by reading the statistics for Durham Constabulary <https://www.police.uk/your-area/durham-constabulary/durham-meadowfield/?tab=statistics>

Crime types description

for the last 12 months (from Apr 2022 to Mar 2023)



from Durham Constabulary crime statistics page for DH78NB

Opposite the proposed 'Meadowfield Store' is a public right of way a passage between properties that has for many years been the 'cut' to Addison Park. I can estimate that the crime rate will increase if the licencing is passed. No doubt that youngsters will congregate in the area. Properties in extremely close proximity are homes to vulnerable adults which should be a consideration. We need as a neighbourhood to protect and support these families trying to rebuild their lives.

The supporting organisation is
protect the vulnerable residents.

please redact this information to

Residents in Frederick Street North (DH78NB) and also Frederick Street South (DH78NA) have always been safe and felt safe. This is no longer the case. Smashed glass on the street is a regular occurrence, litter is strewn all over the area and on occasion I have witnessed male youths urinating in the street against cars near to Khans Newsagent at around 8pm. Having a licence for the new proposed premises to 11pm will definitely have a detrimental effect to the lives of local residents. The Jet garage is open 24 hours and that in itself is sufficient to supply the village with alcohol. Police are regular visitors to the garage; this has been raised at neighbourhood meetings and with neighbourhood councillors.

Khan's Newsagent is situated at 15, Frederick Street North, which is less than 200 metres from 43, Frederick Street North the address of the application to sell alcohol. The Jet Garage approximately 200 metres away has a 24-hour licence to sell alcohol. With the increasing issues with alcoholism in the young we need to protect our children from harm by making it less accessible. Yes they may be underage, but they manage to access it already from the current two businesses and the rate of crime increase will likely be fuelled by another off-licence. One cannot assume this will happen, but the odds are high, and it will increase antisocial consumption of alcohol in a public place and generally escalate further associated antisocial behaviours and other crimes in the local vicinity.

Durham Constabulary services are already having difficulty in managing anti-social and criminal behaviours in the area, in granting another licence to sell alcohol from the said property will in all probability escalate the existing aforementioned struggles that will impact not only the residents of the adjacent postcodes to 43 Frederick Street North but will also impact the already stretched and extremely difficult to manage issue we have in our area.

I therefore raise my objection to the application for the grant of a premises licence 'off-licence made by Mr Tharmarajah Srikantharajah for the reasons and points I have made earlier in my email.

Yours sincerely

J M Drane

**Lobley Hill Road
Meadowfield
Durham
DH78RQ
email: _**

From: G Wandless
Sent: 04 May 2023 10:31
To: AHS Licensing
Subject: [EXTERNAL]:Licensing Act applications

Hello,

I'd like to object to the following application for the sale of alcohol:

Mr Tharmarajah Srikantharajah
Meadowfield Store
43 Frederick Street North
Meadowfield
Durham
DH7 8NB

The license has been applied to sell alcohol from the premises Monday to Friday 6am to 11pm.

I'm against this application as I am a resident in the street and we already have two stores selling alcohol within the same street as this application. We also suffer antisocial behaviour within our area from people who gathering and are intoxicated. They are gathering nearby and are intimidating to residents as well as causing damage to our properties by kicking front doors and banging on windows, stealing bins and burning them out within the nearby woods. Any unnecessary addition to stores selling alcohol within the area is going to add to the issues the village is already suffering and put additional pressure of the residents and the emergency services that are having to frequent the area regularly.

Kind regards

J & G Wandless
Frederick Street North
Meadowfield
Durham
DH7 8NB

Sent from my phone

Appendix 5: Consultation Responses



12th April 2023

Mr Tharmarajah Srikantharajah,
Meadowfield Store
43 Frederick Street
North Meadowfield
DH7 8NB

Dear Mr Srikantharajah,

Re: Application for a New Premises Licence – Meadowfield Store

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 Meadowfield Store.

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

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

Regards

Tracy Maratty
Durham Safeguarding Children Partnership Administration Officer

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

Safest People, Safest Places

Chief Fire Officer: Steve Helps

This matter is being dealt with by: Amy Davison

Ext:

Date: 17 April 2023

Our Ref: 2A41450025

Ext:

Your Ref:

Direct Dial Telephone:

E-mail:

Tracey Lock

Dear Tracey Lock,

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Meadowfield Store, 43 Frederick Street North, Meadowfield, Durham, DH7 8NB

I acknowledge your application dated 11 April 2023 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

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

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

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

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

Yours sincerely,

Amy Davison
Fire Safety Section

From: Kelly Gilmore-Craze

Sent: 20 April 2023 12:10

To: Tracey Lock <

Subject: RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE - MEADOWFIELD STORE 43 FREDERICK STREET NORTH MEADOWFIELD DH7 8NB



MEMO

To: Mrs Tracey Lock
Licensing Services

From: Mrs Kelly Gilmore-Craze
Neighbourhoods and Climate Change

Date: 20 April 2023

Re: **Licensing Application New Premises Licence**
43 Frederick Street North Meadowfield Durham DH7 8NB

With reference to the above licensing application received on 11 April 2023.

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

Kind Regards,

Kelly Gilmore-Craze
Senior Environmental Health Officer
Community Protection Service
Neighbourhoods and Climate Change
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS
Tel:
Email:

Web: www.durham.gov.uk

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Like us at facebook.com/durhamcouncil

From: Licensed Economy Team <

Sent: 02 May 2023 11:53

To: Tracey Lock <

Cc: AHS Licensing <

Subject: [EXTERNAL]:RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE - MEADOWFIELD STORE 43 FREDERICK STREET NORTH MEADOWFIELD DH7 8NB

Good morning,

Durham Constabulary have no objections

Thank you

Kind regards

Vikki Gill 8118

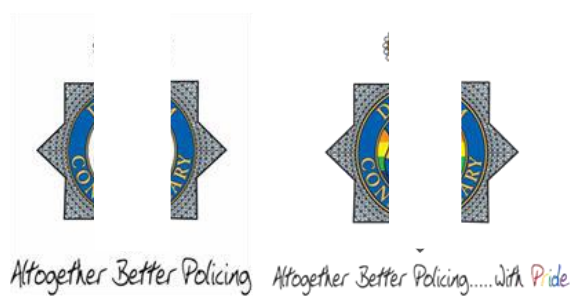
Durham Constabulary

Admin Clerical Officer

Licensing Economy Team

Annand House Meadowfield

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



Our Values & Vision:

Positive | Fair | Courageous | Inclusive | With Integrity

Protecting Neighbourhoods, Tackling Criminals, Solving Problems

Contact: Kelly Scott
Direct Tel:
email:
Your ref:
Our ref: CON28/23/00963



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

5th May 2023

Dear Tracy Marie Lock

Town and Country Planning Act 1990 (as amended)

Proposed new premises licence
At Meadowfield Store 43 Frederick Street North Meadowfield Durham DH7 8NB
For Tracy Marie Lock

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

On the basis of the documents and information you have provided I consider that the proposals constitute 'Permitted Development'. The proposed use of the building as a convenient store is classed as use class E. The current use as a hair salon falls within the same use class, and as such, in planning terms no change of use will have taken place.

However, the applicant is advised to submit a planning enquiry if any new signage or alterations to shopfront is also proposed as permission maybe required for this work.

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:

Appendix 6: Statement of Licensing Policy

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

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

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

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

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

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

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

The council recognises and promotes effective and responsible management of all licensed and authorised premises through competent, efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are amongst the most important control measures for the achievement of all Licensing Objectives.

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

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

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

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

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

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

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

Toughened/Safety Glass: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies especially to any premises associated with a higher risk for potential crime and disorder. This will be particularly relevant for high-volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.4 Protection of Children from Harm - the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Secretary of State's Guidance to the Licensing Act 2003 also makes clear that the authority must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

While the Act does not prohibit children from having free access to any licensed premises, the council recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm and the effects of alcohol on parenting. Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.

Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

The council will expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises. **The council will also expect** any licence holder who wishes to hold events for children to provide it, and the Police, with a detailed risk assessment of that event including how the event will be managed, staffing levels for the event and how any child will be prevented from being exposed to any harm.

The council will give considerable weight to representations about child protection matters particularly from the Local Safeguarding Children's Board who act as the responsible authority under the Act for matters relating to child protection. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations.

These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the council, linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries), this evidence will be considered. The council will also consider what action is appropriate to ensure this licensing objective is effectively enforced.

In relation to applications for the grant of a licence in areas where evidence is presented, on high levels of alcohol-related harms in persons aged under 18, the council will also consider what conditions may be appropriate to ensure that this objective is promoted effectively.

The council will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.

The council will expect all licence holders or premises, that wish to allow children on to their premises, to ensure that access is restricted where appropriate. This could include ensuring that all children are accompanied and that they do not have access to, or sight of, alcohol. **The council will consider** the following when dealing with a licence application where children may have limited access:

- Limitations on the hours when children may be present.
- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult to be present.
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature).
- Limitations on the parts of premises to which children might be given access.
- Any other limitations appropriate to the application and according with the four licensing objectives.

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

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

The council will work closely with the Police and the Council's Trading Standards service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. We know alcohol is harmful to the health of children and young people whose minds and bodies are still developing.

Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17-year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25.

The council is aware of a young person's vulnerability to alcohol and events, which are aimed at children under the age of 18 years on licensed premises, will not be supported by the council unless the applicant can demonstrate that all safeguards for children have been addressed (such as the removal of alcohol advertising).

The council, Durham Constabulary Harm Reduction Unit and the Local Safeguarding Children Board have produced a "good practice guide" for an event catering for under-18's and mixed events of under and over 18's. This guide is highly recommended by the council and should be adhered to by licence holders and event organisers. The guide is reproduced in Appendix I.

Recorded staff training programs, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales and proxy sales and are encouraged by the council.

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

The Act provides that it is mandatory for Licensing Authorities to include a condition in all premises licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the council itself.

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

Children and Public Entertainment: Many children go to see and/or take part in entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises. Where many children are likely to be present on any licensed premises, for example a children's pantomime, disco/rave or similar event, the authority expects all children to be supervised by an appropriate number of adults and to ensure that the venues put measures in place to prevent any child being exposed to harm.

Where entertainment requiring a licence is specifically presented for children, the council will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The council will require those caring for or supervising children to have undergone an appropriate criminal record check with the Disclosure and Barring Service.

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

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

Regarding this licensing objective, the council considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified because of premises, personal applications and all variations to licences are covered by this protocol.

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

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

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

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

Appendix II Framework Hours: recommended terminal hours for the sale of alcohol and the provision of late-night refreshment for different types of premises

Category of Premises	Weekdays*	Weekends*	Bank Holidays*
Premises licensed for the sale or supply of alcohol for consumption on or off the premises e.g. pubs, social clubs and nightclubs	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed for the sale of alcohol for consumption off the premises only e.g. off licences, supermarkets and garages	07.00 to 23.30	07.00 to 00.30	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises with licences not including the sale or supply of alcohol (community centres, village halls)	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed primarily for late night refreshment e.g. takeaways	01.00	02.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)

* **NOTE:** For the purposes of this matrix, weekdays mean Monday to Thursday; Weekends include Friday night into Saturday Morning, Saturday night into Sunday morning and Sunday night into Monday morning; and Bank Holidays means Sunday night into Monday morning and Monday night into Tuesday morning.

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.

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts

to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

- 2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act

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