

Statutory Licensing Sub-Committee

5th September 2023

Application for the grant of a Club Premises Certificate

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:

Nevilles Cross, Durham

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a Club Premises Certificate for Durham University Rushford Court Club, North Road, Durham. DH1 4RY submitted by Mr Ricky Cohen of Durham University.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application requests the granting of a Club Premises Certificate for a new residential university college for Durham University and was submitted to the Licensing Authority on 10th July 2023.
- 4 The applicants have requested the Club Premises Certificate to be granted with effect from 1st July 2024 should the application be approved.
- 5 The application requests the Supply of Alcohol for consumption on and off the premises and the provision of Regulated Entertainment indoors from 10.00 am until 11.00 pm Monday to Thursday, from 10.00 am until midnight on Friday and Saturday and from 10.00 am until 10.30 pm on Sundays.
- 6 On 12th July 2023, Mr Cohen added the following additional condition to the application following mediation with Durham Constabulary:

- A register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by Police or authorised officers of the local authority upon request.
- 7 On 22nd August 2023, Mr Cohen provided an additional statement to support the application.
- 8 Six objections from ‘other persons’ were initially received during the consultation period. One of these objections was later withdrawn. There remain five objections to the application.
- 9 Durham County Council’s Environmental Health Department, the Fire Safety Authority and Durham Constabulary all responded to the consultation with no objections.

Recommendation(s)

- 10 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 11 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 8;
 - (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 9.

Background

- 12 Background information

Applicants	Durham University Rushford Court	
Type of Application: New Club Premises Certificate	Date received: 10th July 2023	Consultation ended: 7th August 2023

Details of the application

- 13 An application for the grant of a new Club Premises Certificate was received by the Licensing Authority on 10th July 2023. A copy of the application and supporting documents are attached at Appendix 3.
- 14 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 15 The activities and timings requested are as follows:

Qualifying Club Activities	Days & Hours
Supply of Alcohol (consumption on and off the premises)	Monday to Thursday: 10:00 - 23:00 hrs. Friday and Saturday: 10:00 - 00:00 hrs. Sunday: 10:00 – 22:30 hrs
Plays, Films, Live Music, Recorded Music, Performances of Dance and Similar Entertainment (All Indoors)	Monday to Thursday: 10:00 - 23:00 hrs. Friday and Saturday: 10:00 - 00:00 hrs. Sunday: 10:00 – 22:30 hrs
Proposed Opening Times for Members and Guests	Monday to Thursday: 10:00 - 23:30 hrs. Friday and Saturday: 10:00 - 00:30 hrs. Sunday: 10:00 – 23:00 hrs

- 16 The applicant has proposed conditions and the steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application at Appendix 3.
- 17 On 12th July 2023, Mr Cohen added the following additional condition to the application following mediation with Durham Constabulary:
- A register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by Police or authorised officers of the local authority upon request.

Please see Appendix 4 for confirmation.

- 18 On 22nd August 2023, the applicant provided an additional statement to support the application. Please see Appendix 5.

The Representations

- 19 The Licensing Authority initially received six objections from 'other persons' during the consultation period. However, one of these objections was later withdrawn.

There remain five objections to the application from the following persons:

- F Gotto (Other person)
 - Ms C Allen (Other person)
 - Ms A Parker (Other person)
 - Ms J Rosenak (Other person)
 - Ms C Wright (Other person)
- 20 The Licensing Authority deemed the representations as relevant, relating to the following licensing objectives:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance

Copies of the representations are attached at Appendix 6.

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

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

Copies of these responses are attached at Appendix 7, for information only.

The Parties

- 22 The Parties to the hearing will be:

- Mr Ricky Cohen, Senior Community Operations Manager, Durham University (Applicant)

- Professor Simon Forrest, Principal of the College of St Hild & St Bede, Durham University (Applicant)
- F Gotto (Other person)
- Ms C Allen (Other person)
- Ms A Parker (Other person)
- Ms J Rosenak (Other person)
- Ms C Wright (Other person)

Options

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

- (a) Grant the certificate 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 certificate 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 certificate any of the qualifying club activities to which the application relates;
- (d) To reject the application.

Main implications

Legal Implications

24 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

25 The Club Premises Certificate application was subject to a 28 day consultation.

See Appendix 1

Conclusion

- 26 The Sub-Committee is asked to determine the application for the grant of a Club Premises Certificate 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.

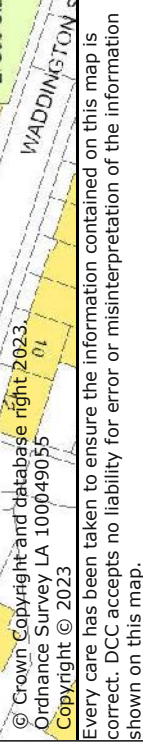
The Responsible Authorities were consulted on the application.

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: Application and supporting documents



County Durham
Application for a new club premises certificate
Licensing Act 2003

For help contact
licensing@durham.gov.uk
Telephone: 03000 261016

* required information

Form errors

Some data entered into this form is invalid. Please resolve before continuing.

Section 1 of 17

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

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

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

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

Applicant Details

* First name

* 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:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

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

Applicant Business

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

* Is your business registered outside the UK? ☐ Yes ☒ No

* Business name If your business is registered, use its registered name.

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

Continued from previous page...

* Legal status

* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 17

APPLICATION DETAILS

Name of club

The above named club applies for a club premises certificate under section 71 of the Licensing Act 2003 for the premises described in this section 2 (the club premises).

The club is making this application to you as the relevant licensing authority in accordance with section 68 of the Licensing Act 2003.

Postal Address Of Club

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Contact Details Of Club

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

Name Of Person Performing Duties Of A Secretary To The Club

First name

Family name

Address Of Person Performing Duties Of A Secretary To The Club

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Secretary Contact Details

E-mail

Telephone number

Other telephone number

Non-domestic rateable value of club premises (£)

Are the club premises occupied and habitually used by the club?

☒ Yes

☐ No

Section 3 of 17

CLUB OPERATING SCHEDULE

When do you want the club premises certificate to start?

/ /
dd mm yyyy

Continued from previous page...

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

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
dd		mm		yyyy

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

General Description Of Club

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

Rushford Court is a residential Durham University college space currently being constructed and to be used initially by the College of St Hild & St Bede.

The requested premises boundary is documented on the the plans. The proposed licensed areas are located within a two story building and also documented on the plans, including: Cafe bar (located on the ground floor), Middle Common Room (MCR) (located on the first floor) along with half the terraced area which will include cafe style tables (also located on the first floor).

A risk assessment has been produced for the risk of public nuisance and the potential level of risk is deemed 'low'. The premises is situated within its own grounds, so as not to constitute a public nuisance due to noise or light.

The cafe bar will play an integral part in creating a community and will contribute to an inclusive social life that respects and embraces diversity. The cafe bar will be a safe environment for all members of the college community to enjoy a broad range of events, both academic-related and social.

Section 4 of 17

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

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...

WEDNESDAY

Start 10:00

End 23:00

Start

End

THURSDAY

Start 10:00

End 23:00

Start

End

FRIDAY

Start 10:00

End 00:00

Start

End

SATURDAY

Start 10:00

End 00:00

Start

End

SUNDAY

Start 10:00

End 22:30

Start

End

Will the performance of a play take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

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

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

Sound associated with any theatrical performance may receive amplification.

State any seasonal variations for performing plays.

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

N/a

Non standard timings. Where the club intends to use the premises for the performance of a play at different times from those listed in the column on the left, provide list.

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

N/a

Continued from previous page...

Section 5 of 17

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☒ 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

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Start

End

THURSDAY

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FRIDAY

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SATURDAY

Start

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End

SUNDAY

Start

End

Start

End

Will the exhibition of films take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

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

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

Sound associated with any film may receive amplification.

In order to protect children from unsuitable and even harmful content in films and videos and to give consumers information they may need about a particular film and video before deciding whether or not to view it, the British Board of

Continued from previous page...

Film Classification (BBFC) examines and age rates films and videos before they are released. The college film club shows films of varying classifications and ensures the classifications are published in advance of showing.

State any seasonal variations for the exhibition of film.

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

N/a

Non standard timings. Where the club intends to use the premises for the exhibition of film at different times from those listed in the column on the left, provide list.

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

N/a

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Section 8 of 17

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

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...

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

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

☒ Indoors

☐ Outdoors

☐ Both

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

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

Amplified and non - amplified.

State any seasonal variations for the performance of live music

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

N/a

Non-standard timings. Where the club intends to use the premises for the performance of live music at different times from those listed in the column on the left, provide list

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

N/a

Continued from previous page...

Section 9 of 17

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☒ 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

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Start

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THURSDAY

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FRIDAY

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Start

End

SATURDAY

Start

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End

SUNDAY

Start

End

Start

End

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

☒ Indoors ☐ Outdoors ☐ Both

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

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

Amplified and non-amplified.

Continued from previous page...

State any seasonal variations for playing recorded music

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

N/a

Non-standard timings. Where the club intends to use the premises for the playing of recorded music at different times from those listed in the column on the left, provide list

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

N/a

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

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...

SATURDAY

Start 10:00

End 00:00

Start

End

SUNDAY

Start 10:00

End 22:30

Start

End

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

☒ Indoors ☐ Outdoors ☐ Both

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

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

Amplified and non-amplified.

State any seasonal variations for the performance of dance

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

N/a

Non-standard timings. Where the club intends to use the premises for the performance of dance at different times from those listed in the column on the left, provide list

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

N/a

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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

Standard Days And Timings

MONDAY

Start 10:00

End 23:00

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 10:00

End 23:00

Start

End

WEDNESDAY

Start 10:00

End 23:00

Start

End

THURSDAY

Start 10:00

End 23:00

Start

End

FRIDAY

Start 10:00

End 00:00

Start

End

SATURDAY

Start 10:00

End 00:00

Start

End

SUNDAY

Start 10:00

End 22:30

Start

End

Give a description of the type of entertainment that the club will be providing

Comedians, compares, magicians, karaoke, race nights etc. Amplified and non - amplified.

Will this entertainment take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

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

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

N/a

State any seasonal variations for entertainment

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

N/a

Continued from previous page...

Non-standard timings. Where the club intends to use the premises for entertainment at different times from those listed in the column on the left, provide list

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

N/a

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SUPPLY OF ALCOHOL

Will you be supplying alcohol by or on behalf of a club to, or to the order of a member of the club?

☒ 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

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Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start 10:00

End 22:30

Start

End

Will the supply of alcohol be for consumption?

☐ On the premises ☐ Off the premises ☒ Both

If the club wishes members and their guests to be able to consume alcohol on the premises tick on, if the club wishes people to be able to purchase alcohol to consume away from the premises tick off. If the club wishes people to be able to do both tick both.

State any seasonal variations

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

N/a

Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, provide list

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

N/a

Section 13 of 17

HOURS CLUB PREMISES ARE OPEN TO THE MEMBERS AND GUESTS

Will you be selling by retail alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start 10:00

End 23:30

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 10:00

End 23:30

Start

End

Continued from previous page...

WEDNESDAY

Start 10:00

End 23:30

Start

End

THURSDAY

Start 10:00

End 23:30

Start

End

FRIDAY

Start 10:00

End 00:30

Start

End

SATURDAY

Start 10:00

End 00:30

Start

End

SUNDAY

Start 10:00

End 23:00

Start

End

State any seasonal variations

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

N/a

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, provide list.

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

N/a

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the club 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.

Not required.

Continued from previous page...

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LICENSING OBJECTIVES

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

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

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

-Durham University Rushford Court is fully committed to the licensing objectives outlined within the Licensing act 2003. The following general provisions are used to promote compliance and are regularly reviewed;

-Policy for College Bars, including the purpose of bars, responsibilities and commitment to the Licensing Act 2003 objectives. (copy enclosed with application.)

-College Bar Handbook, detailing policies and procedures, including; bar strategic aims, responsibilities, licensing objectives, access to the bar, age, capacity, drunkenness, disorderly conduct, drugs, promotions, refusing service, large groups, glass collection, maximum alcohol content, minimum pricing, spiking, public nuisance and noise, active bystander training, accidents and injuries, anti theft, bar crawls, capacity, crime, complaints, drink driving, drugs, ejected persons, external alcohol, fire, first aid, glassware and collections, health and safety and food safety, operating hours, promotions, search policy, security, smoking, spiking, staff consumption and terrorism (copy enclosed with application.)

-Bar training schedule for bar management, bar leads and all bar staff, including training related to licensing objectives, conditions and enforcement, responsible retailing, H&S and food safety, basic cellar skills, fire safety, responding to disclosure of sexual violence, equality, diversity and inclusion, 'Have a Word' alcohol identification and advice training and active bystander training (copy enclosed with application.)

-CCTV is provided in the form of a recording system, capable of delivering pictures of evidential quality in all lighting conditions. Cameras shall encompass the main entrance and exit to the premises, bar area and outside terraced area. Equipment will be kept in a secure environment, maintained in good working order (checked and signed weekly), have 24 hours battery back up, be correctly time and date stamped, and recordings kept for a minimum of 28 days and handed to the responsible authorities within a reasonable and agreed time frame. At all times a appointed member of staff will be available and competent to download and view CCTV footage.

-Student Alcohol Awareness and Use Policy, outlining the University's position on alcohol consumption and related issues amongst the student body (copy enclosed with application.)

-Sexual Violence and Misconduct Policy, outlining the University's position in relation to sexual violence and misconduct (copy enclosed with application.)

b) The prevention of crime and disorder

-Durham University Rushford Court is fully committed to the licensing objectives of the prevention of crime and disorder. The following general provisions will be used to promote compliance and are regularly reviewed;

-Policy for College Bars including the purpose of bars, responsibilities and commitment to the Licensing Act 2003 objectives (copy enclosed with application.)

-College Bar Handbook, detailing policies and procedures (copy enclosed with application.)

-Bar training schedule for Club Secretary, management and all bar staff (copy enclosed with application.)

-CCTV is provided in the form of a recording system, capable of delivering pictures of evidential quality in all lighting conditions.

Continued from previous page...

- Student Alcohol Awareness and Use Policy, outlining the University's position on alcohol consumption and related issues amongst the student body (copy enclosed with application.)
- Sexual Violence and Misconduct Policy, outlining the University's position in relation to sexual violence and misconduct (copy enclosed with application.)
- Support and back up from the College porter and University security service.

c) Public safety

- Durham University Rushford Court is fully committed to the licensing objectives of public safety. The following general provisions will be used to promote compliance and are regularly reviewed;
- Policy for College Bars, including the purpose of bars, responsibilities and commitment to the Licensing Act 2003 objectives (copy enclosed with application.)
- College Bar Handbook, detailing policies and procedures (copy enclosed with application.)
- Bar training schedule for Club Secretary, management and all bar staff (copy enclosed with application.)
- Codes of practice for Durham University, including; common room code of practice, controlled drugs, disciplinary procedures and notification of misconduct to the Police and internal action (copy enclosed with application.)
- CCTV will be provided in the form of a recording system, capable of delivering pictures of evidential quality in all lighting conditions.
- Student Alcohol Awareness and Use Policy outlining the University's position on alcohol consumption and related issues amongst the student body (copy enclosed with application.)
- Sexual Violence and Misconduct Policy outlining the University's position in relation to sexual violence and misconduct (copy enclosed with application.)
- Support and back up from the College porter and University security service.

d) The prevention of public nuisance

- Durham University Rushford Court is fully committed to the licensing objectives of the prevention of public nuisance. The following general provisions will be used to promote compliance and are regularly reviewed;
- Policy for College Bars including the purpose of bars, responsibilities and commitment to the Licensing Act 2003 objectives (copy enclosed with application.)
- College Bar Handbook, detailing policies and procedures (copy enclosed with application.)
- Bar training schedule for Club Secretary, management and all bar staff (copy enclosed with application.)
- CCTV will be provided in the form of a recording system, capable of delivering pictures of evidential quality in all lighting conditions.
- Support and back up from the College Porter and University security service.
- Engagement with the established residents group in the surrounding area (Crossgate Community Partnership), local stakeholders, and non-student residents will be explored as a means to opening dialogue with residents during the pre-operating and early operating phases. Good practices will be identified following feedback, with a view to establishing the premises operations in a considerate manner.

Continued from previous page...

- A contact and number will be provided to enable any potential noise complaints to be appropriately directed to the college bar and retail committee.
- A tour of colleges will be arranged to open dialogue with any concerned local residents, and help communicate the range of processes in place to prevent public nuisance.

e) The protection of children from harm

-Durham University Rushford Court is fully committed to the licensing objectives of the protection of children from harm. The following general provisions will be used to promote compliance and are regularly reviewed;

- Policy for College Bars, including the purpose of bars, responsibilities and commitment to the Licensing Act 2003 objectives (copy enclosed with application.)
- College Bar Handbook, detailing policies and procedures (copy enclosed with application.)
- Bar training schedule for Club Secretary, management and all bar staff (copy enclosed with application.)
- CCTV will be provided in the form of a recording system, capable of delivering pictures of evidential quality in all lighting conditions.
- Student Alcohol Awareness and Use Policy outlining the University's position on alcohol consumption and related issues amongst the student body (copy enclosed with application.)
- Sexual Violence and Misconduct Policy outlining the University's position in relation to sexual violence and misconduct (copy enclosed with application.)
- Support and back up from the College Porter and University security service.

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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 17 of 17

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.

Club 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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00

Band E - £125001 and over £635.00

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

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

You must check the box for this declaration

Continued from previous page...

☒ 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 SENIOR OPERATIONS MANAGER.

Date (dd/mm/yyyy) 06/07/2023

Add another signatory

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

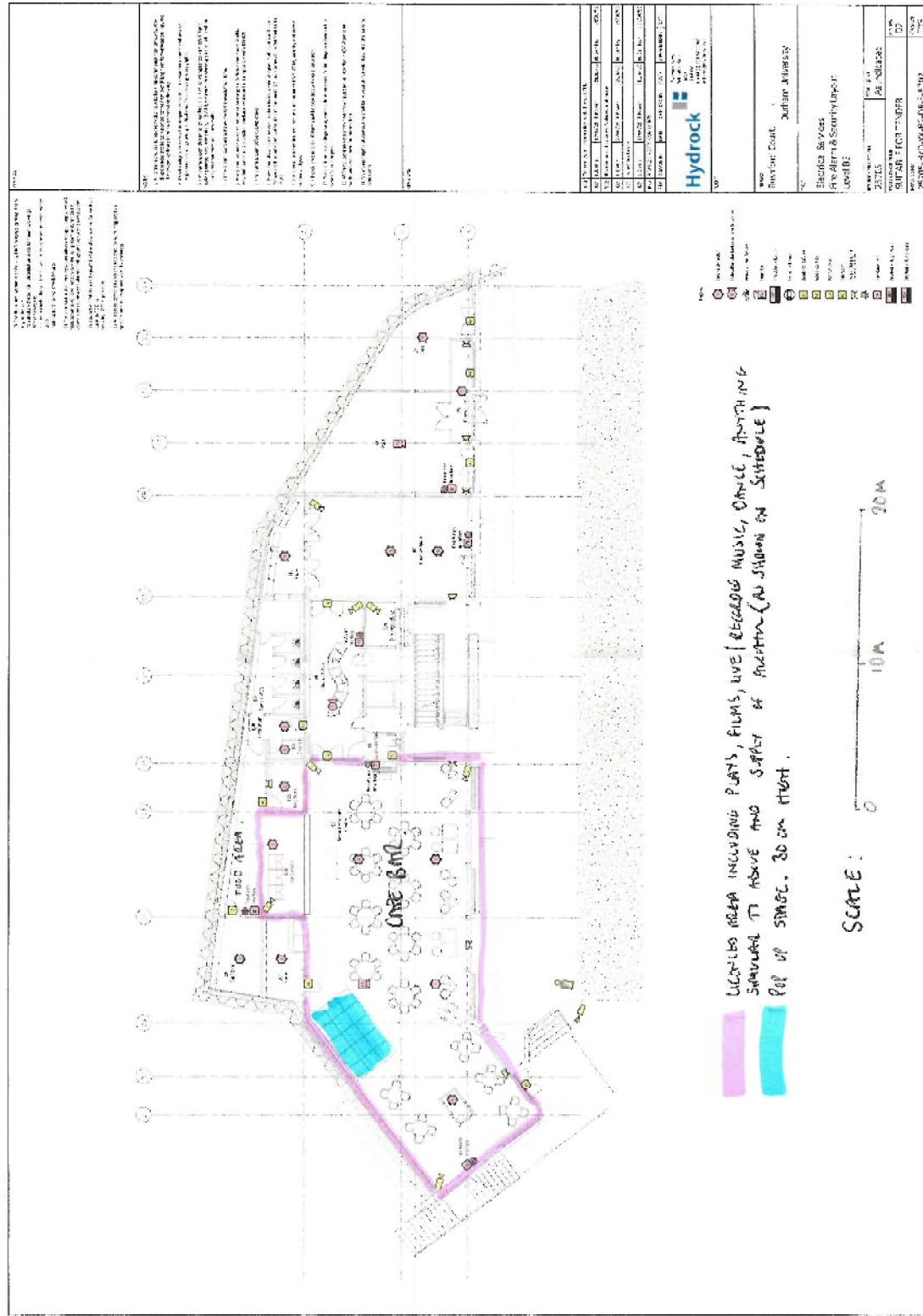
1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/club-licensing/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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

BUELHAR UNIVERSITY - BUSHFORD CAMP - GROUND FLOOR



Durham University - Rushton Court - First Floor



COLLEGE BAR HANDBOOK



Durham University – Rushford Court

The College of St Hild & St Bede

COLLEGE BAR HANDBOOK



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2. College Bar Strategic Aims

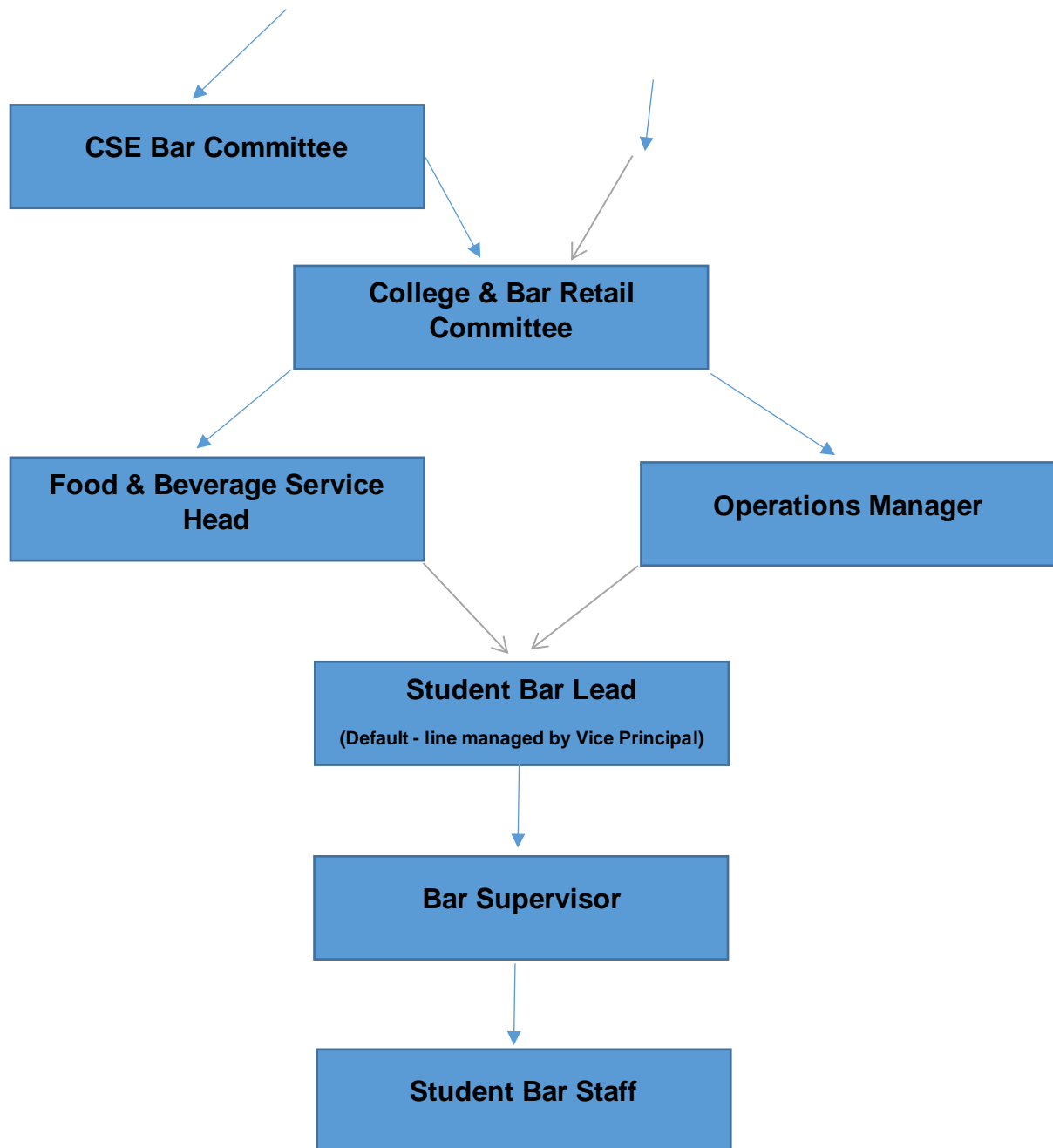
The University is committed to all college bars working towards the following aims:

- To offer an environment for a varied and balanced programme of college events which serve the whole college community, enabling the development of skills that support core academic activities and employment prospects and contributing to the collegiate developmental outcomes, those being personal effectiveness, intellectual curiosity and a sense of belonging and responsibility.
- To encourage the use and enjoyment of the bar by all members of the college community, contributing towards the wider student experience through interaction between all sections of the community – college residents, livers out, members of all Common Rooms, alumni and staff.
- To provide a safe inclusive environment for all members of the college community, free from discrimination, harassment and bullying by promoting equal opportunities and respect.
- To promote a clear and consistent message which discourages irresponsible alcohol use in college bars, at college events and within the wider college community and to promote an atmosphere free from “the pressure to drink” for those who choose not to drink alcohol.
- To foster the development of longer term lifestyle choices that support health and wellbeing.
- To support the University’s development agenda by providing development and employment opportunities for students within the college community.
- To be an asset to the college community, where possible, generating an operating surplus which is returned to benefit the whole college community.
- To meet the needs and demands of their individual college communities, within the parameters of their licence.
- To enable the whole college community to contribute to the development of the bar and its related activities as well as benefiting from it.

3.1. Organisational Structure

Divisional Board

COLLEGE BAR HANDBOOK



3.2. Responsibilities Summary

College and Wider Student Experience Bar Committee

Representatives from College Officer Teams, Operations Directive, Student Development Programme, Common Rooms, Finance, Human Resources and Health & Safety promoting pan-University compliance with the University's College Bars Policy.

College Divisional Board

Chaired by the PVC, guiding the strategic direction of the Colleges.

College & Bar Retail Committee

Representatives from the local College Officer Team, Operations Manager, Food & Beverage Service Head, Student Bar Lead, representatives from Common Rooms and Finance promoting local compliance of the University's College Bar Policy.

Food & Beverage Service Head

In line with Job description, responsible for the operational implementation and management oversight of the College Bar, including licensing, bar team recruitment, on boarding, training, student development (operational aspects), health & safety, and financial.

Operations Manager

In line with job description, responsible person for licensing (Designated Premises Supervisor or Club Secretary) and organising termly College Bar & Retail Committees.

Student Bar Lead

Support the Food & Beverage Service Head with the operational implementation of the College Bar, including; licensing, recruitment, on boarding, training, student development, health & safety, and financial.

Bar Supervisor

Perform the duties of regular bar staff, and with added responsibility for leading the shift, ensuring that the bar is operating within the licensing conditions and all bar policies and procedures. Ensuring that all daily and weekly tasks are completed, cashing up and securing the premises at the end of shift.

Bar Team

Responsible for operating within all licensing conditions, bar policies and procedures, serving all food and drinks, ensuring that all cleaning tasks are completed and ensuring that the bar runs in an efficient manner.

COLLEGE BAR HANDBOOK



4. Licensing Objectives

The sale and provision of alcohol is governed by the Licensing Act of 2003, which provides four key Licensing Objectives. As a licensed premise, we are committed to the licensing objectives and require that all Bar Staff members comply with and support these objectives:

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

5. Detail of Licence

If Club Premises Certificate:

The College Bar holds a Club Premises Certificate, this is a special type of licence that is only available to private members clubs and allows The College Bar to be able to perform the following licensable activities; plays, films live music, recorded music, performance of dance, other entertainment similar to live music or dance performance and the supply of alcohol (delete as appropriate).

The type of licence means that only designated members of 'the club' and their invited guests are allowed into the Bar.

Students of the college and college staff are classed as full members and students from all other colleges as well as all other university staff and alumni are classed as associate members. Bona fide guests or visitors who have booked accommodation or events on the Premises at least 2 days in advance are temporary members.

Where appropriate, campus cards should be shown to prove membership. All associate members, temporary members and guests must be signed into the Bar.

6. Emergency Contacts

College Porter (Residential Services Assistant)	
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COLLEGE BAR HANDBOOK



University Security	
Food & Beverage Service Head	

7. Access to the Bar

Only members of the University or bona-fide guests are permitted to enter college bars at Durham. College members of the University are required to carry their campus card with them and produce it upon request for identification purposes. All non-college visitors to the Bar (including other University members and guests) are required to sign in the Visitor's Register located behind the bar counter.

If a Bar Staff member suspects that there is a non-member in the Bar, they should ask for ID and inform the visitor of this policy. If the person is not a College member, a bona-fide guest of a College member, or a member of the University, the person should be asked to leave the premises. Inform the current Supervisor/team leader who will ask the person to leave or ask the Duty Porter (Residential services Assistant) to deal with the situation.

Under no circumstances, during the hours in which the Bar is open for trade, is anyone allowed on premises with alcohol that has been supplied elsewhere.

The area behind the Bar, including the cellars, is for the use of scheduled Bar Staff only. The only individuals who are allowed access behind the Bar while the bar is open are those specifically designated to be working the current shift by management on the staff roster and bar management.

Limited exceptions to this rule include:

- Bar Staff members who step behind the Bar for a few minutes to help with a short-term rush.
- The active Duty Porter (Residential services assistant), when required by his duties.
- University Security or emergency services personnel when required.

Authorised staff, employed by Durham Police, must be given free access to all parts of the premises, at all reasonable times, for the genuine purpose of inspection to ensure compliance with the terms and conditions of the club premises certificate and to ensure the promotion of the licensing objectives.

There may be community events for local residents, if these include alcohol or regulated entertainment at Club Premises Certificates, local residents will need to sign in.

8. Age

It is illegal to serve alcohol to any person under the age of 18. Offences may be committed by anyone who has authority to prevent:

- The supply of alcohol to a person under 18 years of age.

COLLEGE BAR HANDBOOK



- The supply of alcohol to a person acting on the behalf of a person under 18.
- The consumption of alcohol by a person under 18.
- The sale of alcohol by a person under 18.
- A person under the age of 16 entering the premises when it is open for the sale or supply of alcohol, unless the under-16 person is accompanied by an adult.

Further, offences / policy breaches will also be committed by:

- Any person under 18 who consumes alcohol in a bar.
- Anyone who buys alcohol for consumption by a person under 18.

To avoid these offences, it is imperative that all Bar Staff request valid proof of age for any person whom they suspect to be under the legal drinking age, under the Challenge 25 policy. Valid proofs of ID (the ONLY valid proofs) are:

- Driving license
- Passport
- PASS card
- **Please note – Campus cards are NOT valid forms of ID and some Durham University student are 17 years old.**

If the person cannot, or is unwilling to, provide one of these forms of ID, or if the ID provided is not theirs, Bar Staff must refuse to serve them alcoholic drinks.

Any ID that is suspected to be false must be retained by the Bar Staff and turned in to the Duty Porter (Residential services Assistant), who will report this to the Police.

On occasions when under-age visitors are allowed to enter the Bar, proof of age ID must be used to identify all guests to ensure that alcohol is only served and consumed by those who are 18 and over. Additionally, on these occasions, strict adherence to a one-drink-per-person policy must be maintained.

Violation of under-18 offences by Bar Staff or customers must be reported in the Bar Staff Folder (or Complaint Form if the offence is by a Staff member), to the Duty Porter and to the Police.

9. Capacity (to be completed by individual colleges)

Capacities are as follows:

Bar	300
Caedmon Hall	440
Dinning Hall	400

COLLEGE BAR HANDBOOK



Max entire building capacity	700
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It is the responsibility of the Bar Staff to ensure that this capacity is not exceeded. Allowing the maximum safe capacity to be exceeded can result in a fine of up to £5,000. It is therefore essential to avoid this occurring at any time.

On most nights, we will not exceed this capacity, and the usual bar layout (couches, tables, chairs) and staffing arrangements has been designed to prevent the capacity from being reached. This layout is designed for an optimal comfort factor, by which customers will have adequate space, temperatures can be properly controlled, ordering queues are short, and access routes to exits and toilets are free from obstruction. On normal nights, capacity should naturally be kept within reasonable limits, but should be guarded by the active Supervisor and Duty Porter (Residential Services Assistant). If the comfort level falls due to large numbers, the Supervisor should take one or more of the following measures:

- Turn on all bar lights (this may cause some customers to leave).
- Turn off the music and/or the television (this, too, may cause some customers to leave).
- Tell any visiting “bar crawl” groups that we cannot serve them tonight.
- Ask customers if they could disperse into other areas of the Bar to ease congestion, keeping in mind the total Bar capacity.
- Ask any groups of non-College members to leave.
- Ask the Duty Porter (Residential Services Assistant) for assistance in reducing the number of customers.
- Temporarily close the Bar shutters (only if other measures have not worked).
- Close the Bar early.

For event nights, capacity will be managed via more systematic measures:

- All parties or events must be pre-booked with a minimum of 2 weeks advanced notice, events must be booked through an events form giving all relevant detail and gaining approval at College and Retail bar Committee.
- This allows for a basic risk assessment reviewed by the College Bar & Retail Committee (possibly via email) for proper planning of capacity, etc
- Most events will require the purchase of a ticket or wrist band at the door or in advance
- For events for which capacity is expected to be unusually high, or for which the Management regard as higher risk, external door staff may be hired.

10. Drunkenness

The University recognises that moderate consumption of alcohol can be an enjoyable part of socialising and has no wish to discourage sensible and responsible drinking. However, the

University is concerned to make all students aware of the harmful effects of alcohol, particularly as they relate to health, behaviour, safety, and academic performance, and to establish guidelines for its proper use. The University also considers it important to encourage a social life that respects those who choose not to drink alcohol. Overall the University aims to provide a supportive environment which encourages a culture of self-regulation and a respect and care for others. Further details can be found in the [Policy on Student Alcohol Awareness and Use](#).

Drunkenness, defined by the *Oxford English Dictionary* as, “having drunk intoxicating liquor to an extent which affects steady self-control,” is a physical state for which Bar Staff are required to be constantly vigilant. It is a violation of the Licensing Objectives to serve alcohol to someone who is drunk, and it is our policy to refuse service of alcohol to drunk individuals. All Bar Staff should refuse to serve anyone exhibiting the following symptoms:

Behaviour

- Bad tempered, aggressive
- Offensive language
- Becoming loud, boisterous, or disorderly
- Becoming physically violent
- Becoming incoherent
- Slurring, or making mistakes in speech
- Becoming argumentative.

Lack of Judgment

- Being careless with money
- Being rude or annoying to other persons
- Exhibiting inappropriate sexual behaviour
- Drinking quickly or competitively (‘down in one’)

Clumsiness & Loss of Coordination

- Swaying
- Staggering
- Difficulty with walking
- Falling down
- Bumping into furniture
- Spilling drinks
- Difficulty in picking up change
- Fumbling for money or other items.

Decreased Alertness

- Drowsiness, dozing or sleeping
- Rambling conversation
- Loss of train of thought

COLLEGE BAR HANDBOOK



- Difficulty in paying attention
- Not understanding what is said
- Glassy eyes or inability to focus.

Appearance

- Unkempt
- Dishevelled

Vomit

The louder someone protests your refusal to serve them, the more likely it is that they are drunk, self-justifying your refusal to serve them.

When refusing to serve alcohol to someone, all Bar Staff members should point the individual out to other staff working that shift to ensure that no other staff member serves them once refused. All staff members should be vigilant to make sure the individual is not getting his/her friends to buy additional drinks.

If a customer refuses to accept your decision to not serve them and becomes aggressive or disorderly, contact the Duty Porter (Residential Services Assistant) immediately.

You may be fined £80 on the spot for serving a drunk person! Be vigilant and pay strict attention to this policy.

11. Disorderly Conduct

In the case of disorderly conduct by members or guests:

- Try to quickly establish the nature/cause of the problem
- Identify the offender (and any victim) but keep a safe distance, especially if there is a threat of violence
- Communicate that disorderly conduct, inappropriate behaviour and/or violence will not be tolerated
- Contact the Duty Porter (Residential Services Assistant)
- Keep calm – try to control your feelings and emotions
- Don't react to provocation – try to reduce the tension without putting yourself at risk
- Don't issue counter-threats or try to force the offender to lose face
- As far as is possible, let the issue be handled by the Management, Duty Porter and/or Security and Police. It is not your responsibility to intervene
- If at all possible, ensure that the offender's campus card is collected and retained. If this is not possible, write down a detailed description of the offender—especially clothing and footwear and any distinguishing marks
- The Duty Porter will fill out an Incident Report Form and turn this in to the Management.

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If the disorderly conduct becomes a crime, follow the procedures outlined for Crime, below.

The College bar has a zero-tolerance policy on disorderly conduct. Offenders will be asked to leave by the Duty Porter (Residential Services Assistant) and will be escorted from the premises by University Security or Durham Police. College and University disciplinary action may be undertaken, as may police action and prosecution.

All individuals ejected from the Bar should be recorded on the bar handover book and reported to the Porter (Residential Services Assistant), who will fill out an Incident Report Form.

12. Standard Opening Hours (to be filled in at individual colleges)

The Bar's standard opening hours during term time are detailed below, any amendments are to be agreed in advance at the College Bar and Retail Operations Committee;

Monday: 19:00 - 23:00
Tuesday: 19:00 - 23:00
Wednesday: 19:00 - 23:00
Thursday: 19:00 - 23:00
Friday: 19:00 - 24:00
Saturday: 12:00 - 24:00
Sunday: 12:00 - 23:00

14. Penalties

The College Bar is subject to the same licensing conditions as commercial operations. Loss of license would hugely impact the college negatively, in terms of loss of licence impacting student experience and reputational damage.

The penalties for breaching the license conditions are severe:

- Immediate closure of licensed premises.
- £20,000 or six months imprisonment.
- £5,000 for selling to under-18s.
- £80 on the spot fine for member of staff selling alcohol to a drunken person.

You have a responsibility to comply with all licensing conditions, the College Bar has essential policies with which all Bar Staff members must be familiar. These policies must be followed AT ALL TIMES. A copy of these policies can also be found in the Bar Folder located behind the Bar.

15. Drugs

The University and College has a zero-tolerance policy regarding the use of illegal drugs on its premises. Bringing drugs onto the licensed premises is a criminal offense. In order to address this important risk, we have instituted the following preventative measures, sanctions and welfare practices which you MUST follow:

- A “Zero Tolerance” warning notice on the Bar Notices board
- Bar staff induction training to cover the signs of drug supply, use and abuse
- A policy requiring vigilance by Bar Staff for the signs of drug supply, use and abuse
- Regular checking of toilets during half-hourly glass collections (when possible to check both toilets, based on gender of working staff)
- Reserved right to check bags of people entering the premises (see Search Policy)
- Seizure of suspected drugs by Duty Porter (Residential Services Assistant), University Security and/or Police.
- Notification of misconduct to Police as required by University code of Practice.
- Free drinking water available at all times when the Bar is open.
- First Aid available through the Duty Porter Residential Services Assistant).

16. Promotions

The bar does not participate in any reduced price or happy hour promotions as these may promote irresponsible drinking. We do specifically advertise new or limited time product offerings such as beer or cocktail of the week but these will be offered at what would be regular pricing.

17. Refusing Service

As it is an offence to serve any person who is drunk or anybody underage, there may be occasions where bar staff are required to refuse service to a customer. Best practice advice for dealing with refusing service is detailed below;

- Always be polite
- Try to give a reason that stresses your legal or professional responsibilities, eg ‘It’s against the law to serve you because....’
- Try to follow your refusal with some kind of positive. If this is also a question, it helps to provide a distraction, e.g. ‘Can I get you anything else, maybe a glass of water?’ ‘are you with anyone that can help you’
- Be calm and assertive
- Approach the person as soon as possible. If possible, meet them at the door and speak with them. If they do come in, it may be more difficult to persuade them to leave
- Speak slowly and clearly. Remember that the effect of the alcohol on a drunken person will lessen their ability to think and even to understand

- Keep your voice neutral. Never raise your voice, shout, make loud threats or show any other signs of aggression or anger. This is likely to provoke an angry response in the drunken person and make the situation more difficult to deal with
- Choose your words carefully. It is better to say something like 'I think you've had (a little) too much to drink', rather than, 'You're drunk'
- Use the broken record technique. That is, keep repeating the same or similar statements, e.g. 'I'm sorry, I can't serve you... I could lose my job!'

Remember the alcohol means the person is less in control of their emotions, judgement and inhibitions than usual. Their mood can change very quickly, possibly to anger or even to violence.

Remember you are just refusing service of alcohol and not rejecting the person.

It is also important for us to consider the welfare of the person who is being refused so the following best practice should also be used;

- If the patron lives out, offer to ring them Night Cab with a £2 fixed charge) or a taxi
- If they are with people, talk to their friends and explain what is going on. Ensure someone sober takes responsibility for them
- If the situation escalates at any point, inform the team leader/supervisor, who may contact the Porter for assistance
- Ask the team leader/supervisor to log the incident.

Consider the amount of alcohol served prior to 'last orders' and only serve what is safe and reasonable to consume within the remaining time.

18. Large Groups

When accommodating larger groups, staff should be mindful of the impact it may have on premises capacity (and ensuring the capacity isn't exceeded.)

The use of clickers to keep track of numbers is suggested. Where possible consider promoting areas in the bar which lessen the impact on other bar users.

19. Crime

In the event that a crime is committed on the Bar premises, please follow these procedures;

- Avoid disturbing anything at the scene of the crime.
- Call police -- dial 999 or
- Call University Security) and the Duty Porter (Residential Service Assistant)

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- Instruct Bar Staff to stop serving, turn off all music, turn on all lights and close the Bar shutters
- If possible, politely ask everyone except for victims or witnesses to leave in a quiet and orderly manner
- If possible, secure the area
- If necessary for protection, lock yourself, members of Bar Staff, witnesses and any victim(s) inside the Bar until assistance arrives
- Inform the Management and College Officer on duty and the Duty Porter (Residential Services Assistant) who will complete an Incident Report Form.

The College Bar has a zero tolerance policy on crime. All instances of criminal activity on our premises will be reported to the Police for action and prosecution.

20. Ejected Persons and problem groups

All persons ejected (i.e. asked or forced to leave) from the Bar should be recorded on the bar handover book and information given to the Duty Porter (Residential Services Assistant), who will fill out an Incident Report Form. All available details about the person(s) should be written down, along with reasons for ejection. If a large group arrives without prior warning and may cause capacity issues or may be unmanageable for the staffing levels present, bar staff should let the group know that they cannot be served on that evening and that they should give advance notice in future.

When somebody has been ejected or a problem group has been turned away, this should be communicated to other colleges.

21. Durham University College Bar Watch

TBC

22.1 Glasses

Alcoholic drinks must not be taken off the licensed premises, accommodation blocks are not licensed areas so students MUST be prevented from taking drinks to their rooms. Only plastic glasses may be taken outside in designated areas (Please note that some colleges neighbour Public Space Protection Order areas, where it is illegal to take alcohol in open receptacles.)

22.2 Glass Collection

Bar Staff shall perform a thorough glass/bottle collection every half-hour. This must include all licensable areas along with toilets and corridors. All empty or unattended glass bottles and glasses are to be collected and returned to the Bar for washing, and all empty or unattended plastic glasses, straws, napkins, etc. are to be collected for recycling. Glass bottles are to be placed in the bottle bin behind the Bar, which should be emptied into the glass recycling bins cellar on a regular basis.

COLLEGE BAR HANDBOOK



Also due to noise, do not empty glass bins into external main bins before 8am and after 9pm.

23. Smoking / Vaping

It is illegal to smoke anywhere inside the building and smoking is only allowed in designated areas located at least 30 meters away from building entrances.

24. Water

The Bar offers free tap water to all customers and provides jugs of water on the bar counter or a water fountain / cooler.

25. Drinking Games including Yard Glass

Drinking games are not permitted within the Bar. The use of a yard / half yard glass or equivalent is expressly prohibited.

26. Vomit

If an incident of vomiting (other than directly into the toilet without a mess) occurs, Bar Staff should immediately inform the Duty Porter (Residential Services Assistant) and the porter should attempt to retrieve Campus Card details. There may be welfare issues or the need to implement a fine. (The Colleges have implemented a fine system for cases of vomiting, and the details must be handed in to the Duty Porter (Residential Services Assistant) for purposes of enforcing this system. If the Duty Porter (Residential Services Assistant) is available, members of Bar Staff should not attempt to clean up the vomit, as it falls under the Porter's (Residential Services Assistant's) responsibilities and they receive special compensation for it.)

27. Pay, Shifts and Absence

Shifts will be allocated in advance, with a minimum of two weeks' notice. Once shifts have been allocated it is the responsibility of the bar staff members to fulfil their shift. If for any reason shifts need to be changed it is the responsibility of the bar staff member to find cover for their own shift and to fill out an absence request form.

For short notice absence such as sickness this should be reported to the student bar lead immediately and a message sent to the group chat to try and arrange cover.

All staff are required to contact their line manager as early as possible on the first day of absence and no later than the start of their shift start time.

Any member of staff suffering from diarrhoea, vomiting or an infected lesion must notify his/her supervisor immediately and remain off work. Staff must not return to work until they have been symptom free of food poisoning symptoms (sickness and diarrhoea) for at least 48 hours

COLLEGE BAR HANDBOOK



The full absence policy is available at

Staff are responsible for updating Oracle with detail of the hours they have worked, which will be checked by the Food & Beverage Service Head at the end of the month.

28. Maximum Alcohol Content

Short drinks can only contain a maximum of 2x25mls of 40% ABV or equivalent, but there is no stipulation that they are required to contain or be sold with a non-alcoholic mixer.

29. Weights and Measures

All poured drinks must be served in recognised measures, i.e. multiples of 25ml, pints or half pints.

All cocktails must be identified on a menu, detailing the ingredients, and alcohol content by ingredient.

30. Minimum Pricing

The Bar should follow the University minimum pricing principles, summarised below for 2022-23.

Product	Standard Measure	Min/Max Price 22/23
Draught beers and ciders	Pint	Min: £2.50 (plus min 50%GP)
Draft beers and fruit ciders (premium and/or over 4.7%)	Pint	Min £2.90 (plus min 50%GP)
Draught beers and ciders (small measure: half pint)	Half Pint	50% of above
Bottled beers, ciders and alcopops	330ml	Min: £2.35 (plus min 50%GP)
Spirits (small measure: 25ml)	25ml	Min: £1.50 (plus min 50%GP)
Wine	125ml	Min: £2.10 (plus min 50%GP)
Cream liqueur and fortified wine (including Sourz)	50ml	Min: £1.90 (plus min 50%GP)
Draught non-alcoholic carbonated drinks	Pint	Max: £1.00
(excluding high energy drinks)		

COLLEGE BAR HANDBOOK



Minimum pricing examples (highlighted in yellow)

Description	Specification	Case Cost (Ex VAT)	Selling price based on 50%GP inc VAT	Selling price based on minimum pricing
Carling	11 Gallon	£91.28	£2.49	£2.50
Coors Light	11 Gallon	£98.19	£2.68	£2.50
MADRI LAGER	11 Gallon	£101.95	£2.78	£2.50
Birra Moretti	50 Ltr	£123.20	£3.36	£2.90
Heineken Lager	50 Ltr	£111.70	£3.05	£2.90
Amstel	50 Ltr	£95.50	£2.60	£2.50
STRONGBOW DARK FRUITS	11 Gallon	£99.87	£2.72	£2.50
STRONGBOW CIDER	11 Gallon	£77.37	£2.11	£2.50
Guinness Draught	50 Ltr	£146.57	£4.00	£2.50
Doom Bar Draught	9 Gallon	£79.90	£2.66	£2.50
SMIRNOFF VODKA	1.5 Ltr	£25.37	£1.01	£1.50
Gordons Gin	1.5 Ltr	£27.97	£1.12	£1.50
The Original Captain Morgan	1.5 Ltr	£30.00	£1.20	£1.50
Gordons' Premium Pink Gin	1.5 Ltr	£30.57	£1.22	£1.50
Smirnoff Red Ice	275ml PET	£23.38	£2.34	£2.35
VK - All Flavors (PET)	275ml PET	£23.63	£2.36	£2.35
CORONA EXTRA NRB	330ml	£21.56	£2.16	£2.35
PERONI 5% NRB	330ml	£27.36	£2.74	£2.35
Morador Blanco Navarra Viura	750ml	£5.46	£12.60	12.60/2.1
Morador Navarra Rose Garnacha	750ml	£5.46	£12.60	12.60/2.1
Morador Tinto Navarra Tempanillo	750ml	£5.46	£12.60	12.60/2.1

= price recommended

COLLEGE BAR HANDBOOK



31. Drink Driving

Drink driving is a serious offense and is very dangerous to the driver, passengers and the public. We must make every possible effort to prevent drink driving by our customers. The Bar can offer to hold guests car keys, but if these are left at the end of the evening, these **MUST** be handed in to the College Duty Porter (Residential Services Assistant).

Anyone suspected of drink driving will be reported to the Police.

32. Spiking

The College bar has a zero tolerance policy on drink spiking. Drink spiking is the illegal act of placing a substance into a drink, often with the intention of causing harm to the drinker.

Instances of drink spiking may be prevented by adherence to Bar policies on Bar Access and Glass Collection, as well as by careful observation and;

- Providing and encouraging the use of Spikeys in bottles
- Asking customers to not leave their drinks unattended
- Educating Bar customers regarding the dangers of spiking and how to care for their drinks to prevent becoming a victim.

If you think spiking has occurred, due to the potential legal and Welfare issue contact the Porter and Food & Beverage Service Head immediately.

33. Staff Consumption or Intoxication

All Bar Staff, including more senior staff are prohibited from consuming alcohol or being intoxicated while on duty. Any staff member who appears for work under the influence of alcohol or other drugs will not be allowed to work that day and will be required to seek assistance from a GP/specialist alcohol agency or have their employment terminated. Any second offence will result in immediate termination of employment.

34. External Alcohol

ONLY alcohol supplied by the Bar may be consumed in the Bar during Bar opening hours. When the Bar is open, ALL other alcohol is expressly prohibited, even in unopened containers.

Bar Staff must inform all offenders of this policy and inform them that all external alcohol needs to be taken off premises immediately. If the offender does not comply with this initial request, Bar Staff should request assistance from the Duty Porter (Residential Services Assistant).

35. Public Nuisance & Noise

We must be aware of and courteous to our neighbours and the context to where our College bar is operating. In order to prevent public nuisance, noise levels must be kept within a reasonable limit, remembering that what may be reasonable to use may not be the same to our neighbours. This is aided by the following policies;

- The local noise management plan must be followed at all times
- All staff must be trained (as detailed on Bar Induction Facilitators Guide which links to the Bar Handbook) around how to reduce noise
- Amplified music within the Bar is only allowed during the Licensing hours.
- Amplified music or sound is not permitted outdoors after 10:00pm
- Local residents and University Security must be informed of any large event for which the premises remains open late (such as college days)
- Windows and doors must be kept closed after midnight and after 9pm when loud music (e.g. live music and DJs)
- All external exits, toilets and designated smoking areas must display signage requesting that patrons are courteous to our neighbours by keeping noise to a minimum and avoiding loitering outside after 10pm
- A contact number must be provided to local residents for immediate resolution of problems, including noise
- Glass bins must not be emptied before 8am and after 9pm
- Deliveries are to be planned to avoid delivery prior to 8am
- For large events ending after midnight, management and/or Duty Porter will supervise departure of guests to ensure that they leave in a staggered fashion and are advised to leave quietly
- There is a 24/7 Porter on duty who will assist with controlling and addressing any large crowds or excessive noise
- A meeting will be organised if required to troubleshoot any issues, including noise.

36. Cleaning

Cleanliness and tidiness are extremely important and help to ensure that the bar runs in an efficient and safe manner as well as allowing us to operate within food hygiene guidelines.

All staff have responsibility to ensure that the bar is kept clean and tidy and a daily and weekly cleaning rota must be followed and signed off on all shifts.

37. Personal Hygiene and Uniforms

Personal Hygiene is extremely important because it ensures the bar complies with food safety legislation, reduces the risk of food borne illnesses and portrays a high standard and a professional image. To achieve this, you will need to adhere to the following.

- Ensure hair is clean, combed and appropriately tied back
- Ensure hands and nails are clean and trimmed
- Ensure facial hair is shaved / neatly trimmed

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- Do not use perfumes and aftershave lotion
- Do not wear false nails and nail varnish
- Do not wear hand jewellery with the exception of engagement / wedding bands / wristwatch
- Do not wear facial jewellery with the exception of a single pair of sleeper earrings
- Ensure that hands are washed and sanitised frequently
- Small cuts, grazes or scabs must be covered with a blue plaster

All Bar Staff will be issued a uniform. This uniform should be worn at all times while working behind the Bar.

38. Cash

When handling cash the University's procedures must be followed at all times as well as the following good practice;

- Wherever possible promote cashless payments
- Check £20 and £50 notes with detector pen
- Use the till to calculate change
- In the event that a customer claims they have been short changed do not simply hand over the amount in dispute. Explain instead that you are certain that you have given the correct change. If the customer continues to believe that they have been short changed, take their details and explain that if the tills are up when cashed up at the end of the night, they will be reimbursed.

39. Lost Property

All lost property or unattended items found within the Bar are to be taken to the Duty Porter (Residential Services Assistant). Lost property items are NOT to be kept behind the Bar.

40. Conflict Management

A wide variety of challenging situations may present themselves at some point during a shift and bar staff may be forced to act quickly to something that they are not comfortable with. Staff should try the following when dealing with a challenging situation; try to establish what the issue is (can I deal with it myself or do I need a supervisor/ porter/ security to assist), will I be putting myself in danger by trying to deal with it?

When dealing with any sort of challenging situation staff should try to control their emotions and stay calm and appear confident in dealing with the situation. If there is somebody who is intoxicated then they should be refused service but the situation should be handled in an assertive and respectful manner, the following are some dos and don'ts of refusing service;

COLLEGE BAR HANDBOOK



- Do be polite and avoid value judgements. Use tact - politely inform the patron that you will not be serving them any more alcohol
- Do point to posters/signs behind the bar to reinforce your decision
- Do explain the reason for refusal of service (e.g. showing signs of being overly intoxicated)
- Do offer (if appropriate) non-alcoholic beverages instead, or to phone a taxi or a friend to take them home. It is harder to get angry with someone offering to do something for you
- Do make sure that they leave the premises safely and that they do not hang around outside
- Do advise management and other bar staff that the person has been refused service to ensure they are not served alcohol by someone else
- Don't insult the patron, warn them politely that their behaviour is unacceptable
- Don't be persuaded to give them 'one last drink' after you have stated that they have had enough
- Don't raise your voice. If they raise theirs, lower yours
- Don't put off refusal hoping that the patron will leave after the next drink - act while the patron can still be reasoned with
- Don't judge other people
- Don't think the matter is over because you have verbally addressed it make sure the patron is safe and preferably away from the bar, the porter should be used to assist if required
- If you need to escalate a situation; call the Duty Porter, University Security and Police depending on severity.

41. Buying Drinks and Food on Shift

Bar Staff are able to purchase food and soft drinks on shift however food must not be consumed behind the bar. If there is more than one staff member on shift then colleagues should put each other's money in the till, if on shift alone then money should be put in the till and receipt kept as proof of purchase.

The cooking of own food behind the bar is not permitted at any time.

42. Active bystander training – 'Ask for Angela'

The College Bar operates the active bystander 'Ask for Angela' scheme whereby if someone is in a situation they are not comfortable with, for example, a date that is not going well, they can go to the bar and ask if Angela is working. The bar staff know this is a signal to step in as an active bystander and help the vulnerable party. An alternative expression may be someone asking for an 'Angel Shot.'

43. Search Policy

The College bar reserves the right to conduct searches of bags by people entering the premises. These searches will not be carried out by members of Bar Staff but by the Duty Porter (Residential Services Assistant), University Security, or external SIA-licensed security staff. Refusal of consent to be searched will result in denied entry to the premises. Body searches may be carried out by the Police if necessary.

44. Security Strategy and Anti-Theft Policy

For certain events, based on risk assessments and Events Request forms, external security staff will be hired. All such security personnel must be SIA licensed.

45. Accidents and Injuries

In the event of accident or injury, contact the Duty Porter (Residential Services Assistant) immediately. First Aid boxes are available behind the Bar. If possible, take the injured person(s) to the Porter (Residential Services Assistant). All porters (Residential Services Assistants) are First Aid trained, and should be the primary first aid giver. Do not attempt to give advanced care unless you are properly trained. There is porter cover 24/7.

46. Fire

As a member of staff you should;

- Be aware of fire exits
- Be aware of evacuation assembly point and routes to it
- Be aware of the location of firefighting equipment (in cellar and bar). **However, it is not your responsibility to fight fires**
- Remain vigilant to fire risks when doing patrols of the bar, e.g. lit cigarettes, lamps shining directly onto flammable fabrics
- Sound an alarm and clearly inform people if you discover a fire.

In the event of fire;

- Break-glass at the fire alarm point to sound the alarm and evacuate the premises
- Call the fire brigade (9-999) and alert the Duty Porter
- Do not attempt to fight the fire yourself unless it is safe and you are trained to do so. NEVER put yourself at risk
- Try to identify the cause of the fire or fire alarm (if you were not the one to set the alarm) without putting yourself at risk
- Do not allow anyone to re-enter the building until the all-clear is given
- Record all details in the bar handover book and inform the Duty Porter (Residential Services Assistant), who will complete the Incident Report Form.

47. Terrorism

If a suspicious item is identified, follow these key steps;

- Do not touch suspicious items

- Move everyone away to a safe distance
- Prevent others from approaching
- Communicate safely to staff, students and the public
- Do not use hand-held radios or mobile phones and move them away from the immediate vicinity of a suspect item, remaining out of line of sight and behind hard cover
- Notify University Security and the police
- Ensure that whoever found the item or witnessed the incident remains on hand to brief the police

48. Diversity and Equality

Durham University recognises that providing equality of opportunity, valuing diversity and promoting a culture of inclusion are vital to our success.

We want our staff and students to reflect the diversity of the regional, national, and international communities that we serve and influence. We aim to be a place where people can be free to be themselves no matter what their identity or background.

By creating a working, learning and social environment in which individuals can utilise their skills and talents to the full without fear of prejudice or harassment, we aim to create a culture where everyone can reach their fullest potential.

49. Complaints

All Bar Staff and customers have the right to make complaints against the Bar, Bar Staff members or the Management. Procedures are as follows;

- Any complaint must be referred immediately to a Supervisor or the Management
- The Supervisor/ Management will respond to the complaint immediately and attempt to resolve it informally if possible
- If an informal resolution is not possible, then the complaint must be treated as a Formal Complaint
- Complaints around cash short change should be investigated at the end of shift before handing over cash. Take contact details to allow appropriate time to conduct the necessary investigations.

50. Reporting Defects

If defects are discovered on any equipment then use of the equipment should be ceased and the defect should be reported to the Food & Beverage Service Head as soon as possible who will arrange for it to be repaired.

51. Inclusivity

The college bar is much more than a bar, it's a safe and inclusive space, where students can relax, socialise, without the need to drink alcohol.

COLLEGE BAR HANDBOOK



Café Bar Staff - Induction Training Card



Name		College	
Position		Start date	

	Induction	Date	Staff signature
Pre – First Shift	Purpose of the College Café Bar (Induction Briefing using Facilitators Guide)		
	Licensing Objectives, Conditions and Enforcement (Induction Briefing using Facilitators Guide)		
	Responsible Retailing (Induction Briefing using Facilitators Guide)		
	Operational Principles (Induction Briefing using Facilitators Guide)		
	Health & Safety (Induction Briefing using Facilitators Guide)		
	Human Resources - Dealing with Complaints, Responsibility and Structures (Induction Briefing using Facilitators Guide)		
	Student Development (Induction Briefing using Facilitators Guide)		
	Sickness and Absence Reporting Procedures (Induction Briefing using Facilitators Guide)		
	Bar Handbook (Including Policies and Procedures Document)		
	Cash Handling & PDQ SOP		
	Induction	Date	Staff signature
Pre – First Shift (H&S)	First Day Training Document - Health & Safety		N/A - Sign each document
	Bite Sized Safety (Safe Systems of Work for all equipment, processes and chemicals used)		
	College Café Bar & Retail Food Safety Manual (including food safety responsibilities, first day food safety, guide to purchasing, food safety records, HACCP and Food allergens training)		
	Natasha’s Law – Pre Packaged for Direct Sale Labelling Guidance		
	Induction	Date	Staff signature
Immediate Oracle Learning Courses	HS: Health & Safety Induction		
	HS: An Introduction To Manual Handling		
	HS: Fire Safety at Durham University		
	Data Protection and Information Governance		
	Equality, Diversity and Inclusion		
	Greenspace Environmental Sustainability Online Training Module		

Café Bar Staff - Induction Training Card



	Responding to Disclosure of Sexual Violence		
	HS Food Safety Essentials		
	HS Allergen Training		
	Operational Learning	Date	Staff signature
	Cleaning Rotas (Operational Briefing)		
	The Perfect Serve (Operational Briefing)		
	'Have a Word' Alcohol Identification and Advice Training		
	Active Bystander Training		
	Basic Cellar - Changing Kegs, Gas and Postmix (Operational Briefing)		
	Cashing Up (Supervisors and Student bar Leads only)		
	Line Cleaning (Student bar Leads only - Must be trained and specifically authorised by College Bar & Retail Committee)		
	Licensing Law Awareness (Default is Student Bar Leads only)		

COLLEGE BARS POLICY

1. Policy Purpose and Statement

1.1 Purpose

The purpose of this policy is to outline the University's position on the purpose, governance and operation of college bars.

1.2 Statement

College bars play an integral part in creating communities and contribute to an inclusive social life that respects and embraces diversity. College bars are a safe environment for all members of the college community to enjoy a broad range of events, both academic-related and social. College bars also promote the development of students by providing opportunities to develop skills and to engage with stakeholders from the college community, the wider University and outside of the University.

The University recognises that consumption of alcohol can be an enjoyable part of participation in the social life of college communities. The University also recognises that college bars are one of the safest places in Durham for students to drink and socialise in, and as such is committed to encouraging student use of college bars. Importantly, college bars promote the sense of belonging and responsibility that is an intrinsic part of being a member of a college community, differentiating them from commercial bars in the wider Durham area.

The University recognises that the college bars must work with the Licensing Authority and within the licensing conditions to meet the policy objectives and fulfil the policy statement.

2. Scope

This policy is applicable to all members and guests using or benefitting from a college bar and applies to all maintained college bars (Collingwood College, Grey College, Hatfield College, John Snow College, Josephine Butler College, South College, St Mary's College, Stephenson College, St Aidan's College, St Cuthbert's Society, College of St Hild & St Bede, Trevelyan College, University College, Ustinov College and Van Mildert College.)

3. Responsibilities

3.1 Policy Owner

The policy owner is the Senior Community Operations Manager (Food & Beverage,) who is responsible for policy review and update as directed by the Colleges & Student Experience Bar Committee.

3.2 Implementation

Implementation of the policy within each college is the responsibility of the local College Bar & Retail Committee, chaired by the Head of College (or deputy). Implementation is overseen by the Colleges & Student Experience Bar Committee.

3.3 Student Development

Provision of student development direction and procedures is the responsibility of the local College Officer Team, with support from the University's Student Development Programme, the Communities & Development Committee and the Operations Directorate, ensuring alignment with the Durham Inspired Awards.

Implementation of student development is the responsibility of the local Bar & Retail Committee and is overseen by the Colleges & Student Experience Bars Committee.

3.4 Operational

Provision of bar-specific operational policies and procedures is the responsibility of the Operations Directorate, overseen by the Colleges & Student Experience Bar Committee. This includes the Bar Handbook and clarification of operational induction and training requirements.

Operational implementation is the responsibility of the local Bar & Retail Committee, primarily through the local Food & Beverage Service Head, the appropriate Student Officer and local Community Operations Manager.

3.5 Oversight

Policy oversight will be provided by the Pro-Vice-Chancellor (Colleges and Student Experience.)

4. Policy, Procedures and Enforcement

4.1 Aims

The University is committed to all college bars working towards the following aims:

- 4.1.1 To offer an environment for a varied and balanced programme of college events which serve the whole college community, enabling the development of skills that support core academic activities and employment prospects and contributing to the collegiate developmental outcomes, those being personal effectiveness, intellectual curiosity and a sense of belonging and responsibility
- 4.1.2 To encourage the use and enjoyment of the bar by all members of the college community, contributing towards the wider student experience through interaction between all sections of the community – college residents, lives out, members of all Common Rooms, alumni and staff
- 4.1.3 To provide a safe inclusive environment for all members of the college community, free from discrimination, harassment and bullying by promoting equal opportunities and respect
- 4.1.4 To promote a clear and consistent message which discourages irresponsible alcohol use in college bars, at college events and within the wider college community and to promote an atmosphere free from “the pressure to drink” for those who choose not to drink alcohol
- 4.1.5 To foster the development of longer term lifestyle choices that support health and wellbeing
- 4.1.6 To support the University's development agenda by providing development and employment opportunities for students within the college community
- 4.1.7 To be an asset to the college community, where possible, generating an operating surplus which is returned to benefit the whole college community
- 4.1.8 To meet the needs and demands of their individual college communities, within the parameters of their licence
- 4.1.9 To enable the whole college community to contribute to the development of the bar and its related activities as well as benefiting from it

4.2 Implementation

Licensing

- 4.2.1 Colleges will demonstrate a clear commitment to the Licensing Act 2003 objectives: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm
- 4.2.2 Colleges will hold the appropriate form, or forms, of licence
- 4.2.3 Where colleges operate under a Premises Licence, they will nominate an individual who holds a valid personal licence and is named on the premises licence which authorises the sale by retail of alcohol
- 4.2.4 Where colleges operate under a Club Premises Certificate, they will nominate an individual who holds a valid personal licence to act as Club Secretary, to act in the capacity of the 'responsible person' and maintain a local Bar & Retail Committee, containing members from all of the constituent bodies, which meets no less than 3 times an academic year
- 4.2.5 To contextualise Durham University college bars with a 'Club Premises Certificate': the College is treated as the 'Club' and the College premises is treated as the 'Premises.' The Club Premises Certificate allows the provision of alcohol (along with other licensable activities) to members (members of the college), associate members (other members of University staff and alumni), temporary members (guests or visitors who have booked accommodation or events on the premises at least 2 days in advance) and guests (individuals signed in by members who must assume responsibility for the conduct of their guest when on the premises.)
- 4.2.6 There are some small variances from the above, for example Ustinov College bar holds a "Club Premises Certificate"; the College is treated as the "Club" and the College premises are treated as the "Premises". The Club Premises Certificate authorises the carrying out of the following qualifying club activities; Plays, Films, Live Music, Recorded Music, Performance of Dance, Other Entertainment Similar to Live or Rec Music or dance Performance and Supply of Alcohol provided to members (students and staff of the College) and guests (limited to two per member and signed in by the member who must assume responsibility for the conduct of their guest when on the premises)

Finance

- 4.2.7 Financial arrangements should be in line with all legal and University policies / procedures.
- 4.2.8 Given the specific nature of the Club Premises Certificate licensing condition, all operating surplus generated should be transferred for the collective benefit for all members of the club (the licence recognises individual colleges as 'the club')

Human Resources

- 4.2.9 All human resources arrangements should follow the appropriate University policies and procedures

Training

- 4.2.10 Comprehensive training should be provided for all bar workers including regular refresher training. Key members and permanent managers should complete the BIIAB Level 2 Award for Personal Licence Holders

Responsible Retailing Practice

- 4.2.11 There should be a clear set of regulations to encompass responsible retailing at all times, including guidance on maximum alcohol provision for college events and the sanctions for breaches of these regulations. It should be clear that no organised activities should take place which encourage drinking at an increased or exaggerated rate

- 4.2.12 As part of this, a University wide minimum alcohol pricing policy should be maintained
- 4.2.13 It is expected that college bars should play an active part in the promotion of alcohol awareness within the college and contribute budget specifically for this purpose
- 4.2.14 The standard operating times for college bars, regardless of the licence operating schedule, should operate no later than 11.00pm from Sunday to Thursday and no later than midnight on Fridays and Saturdays, unless authorised by the Head of College and notification to the local College Bar and Retail Committee

Community Best Practice

- 4.2.15 Formal representation on the Durham City Pub-Watch Scheme should be maintained, including as a minimum attendance of the Senior Operations Manager (Food & Beverage) and nominated student representative (or deputised for each role if required)

4.3 Enforcement

Violation of this policy may result in disciplinary procedures in line with the University's Disciplinary Regulations, Non-academic Misconduct Disciplinary Procedure and/or General Regulations for Discipline

5. Equality and Diversity

An Equality Impact Assessment (EIA) will be completed to ensure that proposals, policies, practices and decision-making processes are fair, promote equality and inclusion by meeting the needs of our staff and students, and do not inadvertently discriminate against any group protected by the 2010 Equality Act.

6. Review

This policy will be reviewed annually by the Colleges & Student Experience Bar Committee.

7. Related Information

- 7.1 College bars governance and responsibilities summary document
- 7.2 Terms of reference and agenda for Colleges & Student Experience Bar Committee
- 7.3 Terms of reference and agenda for local College Bar & Retail Operations Committee
- 7.4 College bar handbook (modified to reflect local individualities)
- 7.5 Bar training and induction pack (induction, training records etc.)
- 7.6 Bar Health & Safety system (policy, responsibilities, procedures, risk assessments, safe systems of work, CoSHH, communication flowchart)
- 7.7 Bar staff contractual arrangements, recruitment, contract type (tbc).
- 7.8 University nominated suppliers document (tbc)
- 7.9 Licensing Act 2003
- 7.10 University policy on alcohol and drugs
- 7.11 Student alcohol awareness and use policy
- 7.12 Sexual misconduct and violence policy
- 7.13 Procedure for managing disclosures or reports involving allegations of staff sexual violence and misconduct
- 7.14 University cash management standard operating procedures
- 7.15 Respect at work and study policy
- 7.16 Disciplinary regulations
- 7.17 Non-academic misconduct disciplinary procedure
- 7.18 General regulations for discipline

8. Version Control

Approval date: Oct 2019

Approved by: PVC Colleges & Student Experience

Contact for further information: (Ricky Cohen, Senior Operations Manager (Food & Beverage))



Policy on Student Alcohol Awareness and Use

1. Purpose

The purpose of this policy is to outline the University's position on alcohol consumption and related issues amongst the student body.

2. Policy Statement

The University recognises that moderate consumption of alcohol can be an enjoyable part of socialising and has no wish to discourage sensible and responsible drinking. However, the University is concerned to make all students aware of the harmful effects of alcohol, particularly as they relate to health, behaviour, safety, and academic performance, and to establish guidelines for its proper use. The University also considers it important to encourage a social life that respects those who choose not to drink alcohol. Overall the University aims to provide a supportive environment which encourages a culture of self-regulation and a respect and care for others.

3. Objectives

The University is committed to achieving the following objectives:

- 3.1 to promote a clear and consistent message which advocates responsible alcohol use at Durham University sanctioned events and activities, and more generally;
- 3.2 to improve awareness of the impact of alcohol and the health risks associated with consumption;
- 3.3 to promote personal responsibility for alcohol consumption and care and support in relation to that of others;
- 3.4 to provide a safe environment for all Durham University sanctioned events and activities that mitigates the risks and reduces the vulnerabilities related to the consumption of alcohol;
- 3.5 to provide an atmosphere free from pressure to drink for those who choose not to drink alcohol;
- 3.6 to offer a balanced social programme with choice and alternatives to drinking alcohol;
- 3.7 to offer appropriate help and support to those who experience problems related to their consumption of alcohol;
- 3.8 to provide appropriate support for those affected by the alcohol-related behaviour and problems of others;
- 3.9 to ensure that University strategies and procedures in this area are consistent with those of appropriate external agencies such as the Government, Students' Union, external support agencies and community stakeholders;
- 3.10 to have clear, appropriate and integrated procedures to deal with problems arising from alcohol use which are both supportive and disciplinary as appropriate;
- 3.11 to challenge behaviours in relation to alcohol consumption where these are identified as posing a risk, for example pre-loading;
- 3.12. to identify, monitor and reduce alcohol-related incidents in so far as they affect our student body.

4. Implementation

The implementation of this policy, through a supporting annual action plan, is overseen by the University Executive Committee Lead on Alcohol, the Pro-Vice-Chancellor and Deputy Warden. The objectives (*above*) will be implemented through:

- 4.1 the dissemination of the Policy on Student Alcohol Use and Awareness to all members of the University community;
- 4.2 clear statements on alcohol which can be used in all University publications, including materials for recruitment, induction and progressing students;
- 4.3 the organisation of educational information, campaigns and events to raise awareness of alcohol together with the behavioural and health risks associated with excessive consumption, and to promote individual and collective responsibility for



alcohol consumption; these should be delivered throughout the year and directed at all students through integrated delivery from appropriate sections of the University together with the Students' Union;

- 4.4 the promotion of Durham University sanctioned events which are inclusive; all events will provide cheaply priced or free non-alcoholic refreshments, or will not involve any alcohol;
- 4.5 University policy not to sanction any events or activities which encourage inappropriate and excessive consumption of alcohol such as drinking games, and a zero tolerance approach towards initiation ceremonies;
- 4.6 the consideration of the appropriateness and inclusiveness of sponsorship from outlets that retail alcohol;
- 4.7 the provision of appropriate and accessible advice and signposting for all students who experience problems related to their own alcohol consumption or that of others; through the College Student Support Offices, the Counselling Service, or the Students' Union Advice and Help Service, and to appropriate specialist external agencies, for example;
- 4.8 the provision of regular training for staff and students to improve awareness and develop skills to address alcohol-related problems;
- 4.9 regular liaison and meetings with appropriate external agencies and community stakeholders (e.g. Health Services, Local Authority, Police, specialist agencies, Residents' Associations);
- 4.10 where appropriate, the effective use of the disciplinary procedures in response to allegations of alcohol-related misconduct;
- 4.11 the assessment of risks associated with alcohol consumption at all Durham University sanctioned events and activities for students, and the implementation of appropriate mitigation to address the vulnerabilities created by drinking alcohol;
- 4.12 the consumption of alcohol during normal working hours only occurring on special occasions, such as presentations, or seasonal gatherings, and with the prior permission of the appropriate Head of College, Department or Section; on such occasions the provision of alcohol should be moderate and suitable non-alcoholic alternatives made available;
- 4.13 the monitoring of alcohol-related incidents at all Durham University sanctioned events;
- 4.14 the regular review of the policy, associated procedures and annual action plan, including input from student representatives.

5. Oversight

The University Executive Committee Lead on Alcohol, the Pro-Vice-Chancellor and Deputy Warden, has oversight of and responsibility for the Policy on Alcohol Awareness and Use and associated annual action plan.

6. Support

The University is a caring community committed to promoting the wellbeing of its members and supporting those who wish to address problems.

We provide appropriate help and advice for students who wish to address issues arising from their own alcohol use, and also provide appropriate help and advice for those adversely affected by the alcohol-related behaviour and problems of others.

Excessive drinking can be the first outward sign that an individual needs help. Students can seek advice from their College Student Support Office, from the Counselling Service or from the Students' Union Advice and Help Service, and will be signposted and assisted to access appropriate external specialist agencies.

As well as offering appointments, the Counselling Service also provides electronic sources of support available through the service website:

7. Education

The University, through all appropriate sections and together with the Students' Union,



provides regular education and publicity to raise awareness of the health and other risks associated with the misuse of alcohol and to promote responsible alcohol consumption to all members.

8. Ticketed Events and Activities

Tickets sold for all Durham University sanctioned student events and activities, whether taking place within or outside the University, will always provide a ticket option which does not include any alcohol at all, and if alcohol is included in a ticket price then the amount shall not exceed three units.

9. College Bars

College bars are not merely outlets for alcohol. They provide inclusive social space for college communities and are the focus of a wide range of events and activities that may or may not include alcohol. College bars are safe and supportive environments.

All college bars conform to standard operating procedures.

Colleges have Designated Premises Supervisors and permanent managers are responsible for the operation of the bars. Permanent managers and key student members complete the BIIAB Level 2 Award for Personal Licence Holders along with other relevant training.

A minimum pricing policy is in operation and is reviewed annually. No promotions which encourage the purchase of alcohol through giveaways or reduced prices are permitted.

All college bars are accredited by the Best Bar None Scheme which includes annual inspections. The bars of Durham City colleges are also members of the Durham City Pub watch.

10. Community Liaison

The University is committed to working in partnership with community stakeholders (Emergency Services, Local Authority, Residents' Associations etc.) and regularly liaises to share views on best practice regarding the problems associated with alcohol consumption and to take action where this is identified as being necessary.

11. University Regulations

The University recognises that, regrettably, excessive consumption of alcohol is a common factor when dealing with student misconduct. Consequently the University regulations

apply in respect of any alleged misconduct, including misconduct which is a consequence of alcohol use. Being under the influence of alcohol is not an excuse for misconduct, offensive, abusive or illegal behaviour, and may be regarded as an aggravating feature. The application of disciplinary procedures always includes the provision of appropriate support.

12. University staff

It is the responsibility of all University staff to promote safe, sensible and responsible alcohol use and to signpost and assist those students who wish to access support for problems arising from alcohol use. The University will provide appropriate training and sources of advice.

13. Monitoring and review

This policy and the achievement of its objectives through the annual action plan will be reviewed annually by the University Executive Committee Lead on Alcohol, the Pro-Vice-Chancellor and Deputy Warden. This review will include receipt of data collected to monitor incidents related to the consumption of alcohol and the use of support services provided to address alcohol-related issues.

Durham University Rushford Court

Club Rules

1. Name and address

The name of the Durham University College, which shall be treated as a Club, is Durham University Rushford Court.

The premises of the Durham University College, which shall be treated as the premises of the Club, is situated at North Road, Durham, DH1 4RY

2. Objectives

The objective of the College, which is to be treated as the objective of a Club, is to provide a residential and non-residential community which:

Offers a varied and balanced programme of college events which serve the whole college community, enabling the development of skills that support core academic activities and employment prospects and contributing to the collegiate developmental outcomes, those being personal effectiveness, intellectual curiosity and a sense of belonging and responsibility.

3. College Bar & Retail Committee

Every student member of the College (of which there shall be at least 25) shall be a member, with voting rights of one of the constituent bodies of the College (i.e. the Senior Common Room (SCR), the Middle Common Room (MCR) or the Student Representative Council (SRC), which elects representatives to hold office as members of the College Bar & Retail Committee.

The College Bar & Retail Committee shall consist of the Head of College (or a specified College Officer) in the capacity of Chair (ex-officio), Operational Management (ex-officio) and the Presidents and other elected representatives of each of the College's constituent bodies.

There shall be a quorum at any meeting of the College Bar & Retail Committee when five members or not less than one-third of the members (whichever may be the less) are present, providing that those present include at least one College Officer or member of college operational management team.

Any member or members of the College Bar & Retail Committee who may have a personal or pecuniary interest in a particular item or items of business being considered must declare the interest and leave the room during the discussion of such item or items by the College Bar & Retail Committee.

The College Bar & Retail Committee shall not meet less frequently than once in each term. Extraordinary meetings shall be summoned on a written requisition signed by not less than four members of the Bar & Retail Committee. There shall be one meeting each year at which the annual accounts shall be presented and the appointment made of new members elected by the College's constituent bodies.

The College Bar & Retail Committee Chair shall specify a 'Responsible Person' for licensing (the default is the College Community Operations Manager), who has given his/her consent to be specified, to have day-to-day responsibility for licensable activities under the Licensing Act 2003.

4. Membership

All members of the College shall be treated as members of the club. Every member of the College shall be entitled to use and enjoy in common with other members of the College the premises and the facilities

therein, in accordance with the terms of membership set out in its Regulations for the time being in force, issued to members.

All members of the College's constituent bodies (SRC, MCR and SCR), having been duly admitted to or registered with the College at least 2 days prior to being matriculated or received into membership, shall automatically be full members of the College and have voting rights within the constituent body (Common Room) to which they belong. All other members of University staff and alumni shall be associate members of the College without voting rights, along with members of all other Colleges and Societies within the University.

All members and associate members shall carry evidence of their identity (e.g. a current University Campus Card) on admission to the premises.

All bona fide guests or visitors who have booked accommodation or events on the Premises at least 2 days in advance shall be temporary members, without voting rights, so long as they remain current guests or visitors. Temporary members must have evidence of their identity by provision of an official visitor's badge/pass/attendance list on admission to the premises.

5. Commission

No person shall at any time be entitled to receive any commission, percentage or similar payment on or with reference to purchases of intoxicating liquor from the Club.

Nor shall any person, other than the Food & Beverage Service Head, Bar Steward (or equivalents) and members working at the bar, in respect of their responsibility allowances, stipend or wages, directly or indirectly derive any pecuniary benefit from the supply of intoxicating liquor by or on behalf of the Club to members or guests, apart from any benefit accruing to the College as a whole.

6. Bona-fide Guests and Official/Authorised Visitors

Members may introduce guests to the Club. The member introducing a guest must accompany him or her and shall be responsible at all times for his or her guest(s) strictly observing the regulations.

The College may also admit any official or authorised visitors, including members from other Committees of Durham University, persons attending official or authorised courses and conferences held in Durham University and public or private functions taking place upon the premises under the authority of or by permission of Durham University.

7. Application of Profit

No money or property of the Club or any gain arising from the carrying on of the Club shall be applied otherwise than for the benefit of the College as a whole, for the benefit of the members or for the furtherance of the objectives of the College, as stated above.

8. Accounts

Annual accounts of the financial affairs of the bar accounts, as required by The Colleges & Student Experience Bar Committee, shall be made available to members in a timely fashion through their elected representatives.

The College must adhere to any relevant guidelines on accountability and propriety issued from time to time by University Finance and the Colleges & Student Experience Bar Committee.

9. Regulations

A summary of the general provisions governing the conduct of all University College club is set out in the College Bar Policy, College Bar Governance and Responsibilities, Club Rules, College Bar Handbook and associated terms of reference documents. The Colleges & Student Experience Bar Committee may from time to time make, vary or revoke regulations for the internal affairs of the College club.

10. Disputes

Any disputes arising out of or not covered by the above documents shall be referred to the Head of College or, on appeal, to the Chair of the Colleges and Wider Student Experience Bar Committee whose decision shall be final.

11. Financial Arrangements

The Finance Officer shall ensure that the College has a sound system of internal financial management and control, and support the Bar & Retail Committee to monitor progress in managing the budget when set.

The Bar & Retail Committee must have general oversight of funding specifically earmarked to the College Club and especially ensure that specific benefactions are used for the purposes for which they are intended.

The Bar & Retail Committee must ensure that proper arrangements are in place to deliver value for money from College club funds.

The College/Society's accounting period will run from 1 August to the following 31 July.

The Bar & Retail Committee must ensure that the required procedures (as set out in the documents above), College and Wider Student Experience bar Committee recommendations and audit recommendations are complied with.

SEXUAL MISCONDUCT AND VIOLENCE POLICY

1. Policy Statement

- 1.1 Durham University recognises that incidents of Sexual Misconduct and Violence occur within the University community, and acknowledges that there has been a noticeable increase in the number of incidents disclosed by the student community, a trend that is encouraged and reflected across the Higher Education sector and beyond. Sexual Misconduct and Violence refers to a broad spectrum of behaviours that cannot be divorced from other types of gender-based violence including, but not limited to, intimate partner violence or domestic abuse, coercive and/or controlling behaviour, and stalking. The University acknowledges that Sexual Misconduct and Violence can be experienced by any individual, regardless of their identity. The University is committed to promoting a culture in which any incidents of Sexual Misconduct and Violence will not be tolerated, and will be thoroughly addressed to ensure the preservation of a safe work and study environment.

2. Principles

- 2.1 Durham University holds the following set of Principles to reflect the University's commitment to establishing a culture of support and respect. All members of Durham University have a responsibility for upholding the Principles that are as follows:
- 2.1.1 We will treat all members of our community with dignity and respect at all times, and it is expected that all members of our community will share in this responsibility for creating and sustaining an environment which upholds the dignity of all.
 - 2.1.2 We recognise the significant impact of all experiences of Sexual Misconduct and Violence, and acknowledge the potential detriment to studies and employment, regardless of when the experience occurred.
 - 2.1.3 We strive to maintain equality and diversity within our community, and will work to sustain an equal and safe environment in which a culture of prevention will be promoted through appropriate and consistently applied education and training.
 - 2.1.4 We will actively respond to all Reports of Sexual Misconduct and Violence and, whilst recognising that some experiences may constitute a criminal offence, we will ensure that, in all cases, Reports are carefully and thoughtfully addressed by relevant staff members through a process that is transparent and clearly communicated to the individuals involved. We will respect the right of the individual disclosing an experience to choose how to take forward a Disclosure.
 - 2.1.5 All Reports considered under the accompanying procedures will be assessed on the balance of probabilities in line with General Regulation IV: Discipline, the Non-Academic Misconduct Procedure and sector guidance.
 - 2.1.6 All University staff will have been informed of the Policy and will be trained as appropriate to their roles. All staff involved in the process will act with impartiality and discretion at all times.
 - 2.1.7 We believe that no person should suffer the effects of Sexual Misconduct and Violence alone, and will ensure that there is dedicated specialist support, including free and accessible counselling for all individuals involved.
 - 2.1.8 We will work with local partners and key groups to forge positive relationships to support all our work in this area, from prevention to enquiry and post-incident care.
 - 2.1.9 We are mindful of our civic responsibilities to the wider community.

- 2.1.10 In addressing experiences and working with both internal and external experts, we will seek to learn from experience, enabling the University to both shape and respond to national and international policy and practice, and to provide regular assurance to Council, Senate, the University Executive Committee and the wider University community, that specific incidents and broader cultural issues are appropriately captured and addressed.

3. Scope of the Policy

- 3.1 This Policy relates to all incidents of Sexual Misconduct and Violence, as well as domestic abuse and coercive or controlling behaviour, complicity, retaliation, vexatious reporting, and malicious reporting as defined in Section 4.
- 3.2 Under this Policy all students and staff members who have experienced Sexual Misconduct and Violence will have equality of access to both internal and external specialist support (e.g. Sexual Assault Referral Centre and Rape Crisis), regardless of when the experiences occurred.
- 3.3 The accompanying procedures to this Policy relate specifically to those experiences which have occurred during the course of study or work at the University, in which the Responding Party is a current student or member of staff of the University. Disclosures and Reports made under this Policy are not limited to University premises or the immediate geography of the University.
- 3.4 Sexual Misconduct and Violence includes a broad spectrum of behaviour. Examples of the types of behaviour that will constitute a violation of this Policy are set out below. Reports of such behaviour will be considered by the University under its internal disciplinary regulations. When the Responding Party is a student the Sexual Misconduct and Violence Policy: Procedure for Students and General Regulation IV: Discipline - Non-Academic Misconduct Procedure will apply. When the Responding Party is a member of staff the Procedure for managing disclosures or reports involving allegations of staff sexual violence and misconduct and the University's Disciplinary Regulations for staff will apply.
- 3.5 Some incidents of Sexual Misconduct and Violence may also constitute a criminal offence under English law. Such incidents may be addressed through criminal proceedings, internal disciplinary proceedings, or, in some cases, both criminal and internal proceedings.
- 3.6 A list of definitions is provided below to clarify the exact scope of the Policy.

4. Definitions

- 4.1 The definitions below have been separated into explanations of the types of behaviour captured under this Policy which amount to Policy breaches and clarification of the terminology used within the Policy.

Types of Behaviour

- 4.2 **Sexual Misconduct and Violence** is defined as any unwanted conduct of a sexual nature which occurred in person or by letter, telephone, text, email or other electronic and/or social media and includes, but is not limited to, the following behaviour:
- 4.2.1 Engaging, or attempting to engage in a sexual act with another individual without consent;
- 4.2.2 Sexually touching another person without their consent;
- 4.2.3 Conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature;
- 4.2.4 Inappropriately showing sexual organs to another person;
- 4.2.5 Repeatedly following another person without good reason;
- 4.2.6 Recording and/or sharing intimate images or recordings of another person without their consent; and

- 4.2.7 Arranging or participating in events which may reasonably be assumed to cause degradation and humiliation to those who have experienced sexual violence, for example inappropriately themed social events or initiations.
- 4.3 **Domestic abuse and coercive or controlling behaviour** is defined as any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners or family members regardless of gender or sexuality. This can include, but is not limited to, psychological, physical, sexual, financial and/or emotional abuse.
- 4.4 **Complicity** is any act that knowingly helps, promotes, or encourages any form of Sexual Misconduct and Violence by another individual.
- 4.5 **Retaliation** may constitute any words or actions, including intimidation, threats, or coercion, made in response to disclosures or reports made under the Sexual Misconduct and Violence Policy, by any individual including both the Responding Party and the Reporting Party, as well as witnesses, friends, or relatives.
- 4.6 The University recognises that there are potentially additional types of behaviour that will constitute a breach of this Policy and which will therefore need to be considered under the relevant internal disciplinary regulations, although the frequency and likelihood of such breaches are likely to be low:
- 4.6.1 **Vexatious reporting** involves the creation of persistent, unwarranted reports made under the Sexual Misconduct and Violence Policy, or a refusal to accept any reasonable decisions arising from the application of the accompanying procedures to this Policy.
- 4.6.2 **Malicious reporting** occurs when an individual shares allegations of Sexual Misconduct and Violence that the individual knows to lack a basis in fact.

Terminology

- 4.7 **Disclosure** involves an individual choosing to tell anyone who is part of the University community about their experience of Sexual Misconduct and Violence (different from Report).
- 4.8 **Report** is the sharing of information with a staff member of the University regarding an incident of Sexual Misconduct and Violence experienced by that individual for the purposes of initiating the investigation process by the University, as set out in this Policy and the accompanying procedures (different from Disclosure).
- 4.9 **Reporting Party** is the person(s) who has been the subject of the alleged incident of Sexual Misconduct and Violence or other policy breach.
- 4.10 **Responding Party** is the person(s) whose behaviour it is alleged amounted to an incident of Sexual Misconduct and Violence or other policy breach.
- 4.11 **Consent** is the agreement by choice where the individual has both the **freedom** and **capacity** to make that choice. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, or from the absence of complaint, and each new sexual act requires a re-confirmation of consent as the foundation of a healthy and respectful sexual relationship. Consent may be withdrawn at any time before or during a sexual act.
- 4.11.1 **Freedom to consent:** For consent to be present, the individual has to freely engage in a sexual act. Consent cannot be inferred from a lack of verbal or physical resistance. Consent is not present when submission by an unwilling participant results from coercion, force, threat, intimidation or the exploitation of power.
- 4.11.2 **Coercion or Force** includes any physical or emotional harm or threat of physical or emotional harm which would reasonably place an individual in fear of immediate or future harm, with the result that the individual is compelled to engage in a sexual act.
- 4.11.3 **Capacity to consent:** Free consent cannot be given if the individual does not have the capacity to give consent. An individual is incapacitated when asleep, unconscious, semi-conscious, or in a state of intermittent consciousness, or any other state of unawareness

that a sexual act may be occurring. Incapacitation may occur on account of a mental or developmental disability, or as the result of alcohol or drug use.

4.11.4 **Alcohol and/or Drug Use:** Incapacitation arising from alcohol or drug consumption should be evaluated on the basis of how the alcohol/drugs have affected the individual; signs of incapacitation may include, but are not limited to, one or more of the following: slurred speech, unsteady gait, bloodshot eyes, dilated pupils, unusual behaviour, blacking out, a lack of full control over physical movements, a lack of awareness of circumstances or surroundings, and/or an inability to communicate effectively. Intoxication is never a defence for committing an act of Sexual Misconduct and Violence, or for failing to obtain consent. If there is any doubt as to the level or extent of one's own or the other individual's incapacitation, the safest approach is not to engage in a sexual act.

4.12 **Confidentiality** will be maintained, where possible, throughout the Disclosure, Reporting and investigative processes in recognition of the sensitive nature of Sexual Misconduct and Violence matters. As such, information will usually only be shared with relevant individuals/entities (who may be internal or external to the University, e.g. internal counsellors, witnesses, external experts from specialist agencies like Rape Crisis, Sexual Assault Referral Centres or the Police) with the agreement of the Reporting Party. The University reserves the right, and may be under an obligation, to share information in exceptional circumstances where such disclosure is necessary to protect any individual or the wider University community from harm or to prevent a crime from taking place. All individuals involved in any process under this Policy must keep information that is disclosed to them as part of the process confidential. Any unauthorised disclosure of confidential information will be considered a Policy violation and will be addressed accordingly. Throughout all proceedings, the University will act in compliance with the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

5. Equality and Diversity

5.1 Sexual Misconduct and Violence can be experienced by any individual, regardless of sex, gender, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality and economic status. Women, members of the LGBT+ community, and individuals with disabilities are disproportionately affected by experiences of sexual violence. Experiences of sexual misconduct and violence may intersect with other forms of harassment and discrimination. The University has a Respect at Study Policy and Respect at Work Policy which addresses other forms of harassment, bullying and discrimination.

6. Responsibilities

6.1 The Pro-Vice-Chancellor (Colleges and Student Experience) is the Lead Sexual Misconduct and Violence Officer (LSMVO) and is responsible for the application of the procedures associated with this Policy. The Director of Student Support and Wellbeing is the Deputy Lead Sexual Misconduct and Violence Officer (DLSMVO). The day-to-day management of the *Sexual Misconduct and Violence Policy Procedure for Students* will be overseen by the Student Conduct Office. The key staff contacts are the Sexual Misconduct Prevention and Response Manager and the Head of Student Conduct Office. The Director of HR has key responsibilities for the application of the *Procedure for managing disclosures or reports involving allegations of staff sexual violence and misconduct*.

7. Related Information

7.1 This Policy should be read in conjunction with the following Regulations, Policies and Procedures:

7.1.1 Sexual Violence and Misconduct Policy: Procedure for Students (see below)

7.1.2 Procedure for managing disclosures or reports involving allegations of staff sexual violence and misconduct¹

- 7.1.3 General Regulation IV – Discipline²
- 7.1.4 Non-Academic Misconduct Procedure
- 7.1.5 General Regulation VI – Suspension³
- 7.1.6 Respect at Study Policy and Code of Practice and Procedures for Students to make a Complaint about Harassment⁴
- 7.1.7 Respect at Work: Harassment and Bullying Policy and Procedures for Staff⁵
- 7.1.8 Student Behaviour in Appeals and Complaints: A Code of Practice⁶
- 7.1.9 Durham University Safeguarding Children Policy⁷
- 7.1.10 Safeguarding 'at risk' adults policy⁸

7.2 Further information can be found at [.](#)

8. Version Control:

Approval date: 02/04/2019

Approved by: Alex Hopkins

Contact for further information: Student Conduct Office

Appendix 4: Additional condition added after mediation with Durham Constabulary

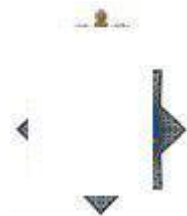
From: Kelly Hyde
Sent: 12 July 2023 13:16
To: Helen Johnson - Licensing Team Leader (N'hoods) < >; AHS Licensing >
Subject: [EXTERNAL]:FW: Licensing - NEW Club Premises Certificate Application - Durham University Rushford Court Club, Rushford Court, North Road, Durham DH1 4RY

Hello,

Please see the below with agreed amendment from the applicant.

Regards
Kelly

PCSO 6627 Hyde
Licensing Officer
Licensed Economy Team
Annand House
Meadowfield
Phone:
Phone:



Our Values & Vision:

Positive | Fair | Courageous | Inclusive | With Integrity

Protecting Neighbourhoods, Tackling Criminals, Solving Problems

From: COHEN, RICKY <
Sent: Wednesday, July 12, 2023 10:35 AM
To: Kelly Hyde <
Cc: Karen Baker <
Subject: RE: Licensing - NEW Club Premises Certificate Application - Durham University Rushford Court Club, Rushford Court, North Road, Durham DH1 4RY

Hi Kelly,

Thanks for this email.

The challenge 25 was already included within the Bar Handbook v2.0 (which formed part of the application), however we have added "A register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by Police or authorised officers of the local authority upon request" (V2.1). See below and attached.

I'm very happy for this amendment to be included.

With best wishes,

Ricky

8. Age

It is illegal to serve alcohol to any person under the age of 18. Offences may be committed by anyone who has authority to prevent:

- The supply of alcohol to a person under 18 years of age.
- The supply of alcohol to a person acting on the behalf of a person under 18.
- The consumption of alcohol by a person under 18.
- The sale of alcohol by a person under 18.
- A person under the age of 16 entering the premises when it is open for the sale or supply of alcohol, unless the under-16 person is accompanied by an adult.

Further, offences / policy breaches will also be committed by:

- Any person under 18 who consumes alcohol in a bar.
- Anyone who buys alcohol for consumption by a person under 18.

To avoid these offences, it is imperative that all Bar Staff request valid proof of age for any person whom they suspect to be under the legal drinking age, under the Challenge 25 policy. Valid proofs of ID (the ONLY valid proofs) are:

- Driving license
- Passport
- PASS card
- **Please note – Campus cards are NOT valid forms of ID and some Durham University student are 17 years old.**

If the person cannot, or is unwilling to, provide one of these forms of ID, or if the ID provided is not theirs, Bar Staff must refuse to serve them alcoholic drinks.

17. Refusing Service

As it is an offence to serve any person who is drunk or anybody underage, there may be occasions where bar staff are required to refuse service to a customer. Best practice advice for dealing with refusing service is detailed below;

- Always be polite
- Try to give a reason that stresses your legal or professional responsibilities, eg 'It's against the law to serve you because....'
- Try to follow your refusal with some kind of positive. If this is also a question, it helps to provide a distraction, e.g. 'Can I get you anything else, maybe a glass of water?' 'are you with anyone that can help you'
- Be calm and assertive
- Approach the person as soon as possible. If possible, meet them at the door and speak with them. If they do come in, it may be more difficult to persuade them to leave
- Speak slowly and clearly. Remember that the effect of the alcohol on a drunken person will lessen their ability to think and even to understand
- Keep your voice neutral. Never raise your voice, shout, make loud threats or show any other signs of aggression or anger. This is likely to provoke an angry response in the drunken person and make the situation more difficult to deal with
- Choose your words carefully. It is better to say something like 'I think you've had (a little) too much to drink', rather than, 'You're drunk'
- Use the broken record technique. That is, keep repeating the same or similar statements, e.g. 'I'm sorry, I can't serve you... I could lose my job!'

Remember the alcohol means the person is less in control of their emotions, judgement and inhibitions than usual. Their mood can change very quickly, possibly to anger or even to violence.

As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by Police or authorised officers of the local authority upon request.

It is also important for us to consider the welfare of the person who is being refused so the following best practice should also be used;

- If the patron lives out, offer to ring them Night Cab with a £2 fixed charge () or a taxi
- If they are with people, talk to their friends and explain what is going on. Ensure someone sober takes responsibility for them
- If the situation escalates at any point, inform the team leader/supervisor, who may contact the Porter for assistance
- Ask the team leader/supervisor to log the incident.

Consider the amount of alcohol served prior to 'last orders' and only serve what is safe and reasonable to consume within the remaining time.

From: Kelly Hyde <

Sent: 11 July 2023 12:24

To: COHEN, RICKY

Subject: FW: Licensing - NEW Club Premises Certificate Application - Durham University Rushford Court Club, Rushford Court, North Road, Durham DH1 4RY

[EXTERNAL EMAIL]

Hello,

I am in receipt of your application, in order to keep your premises in line with others in the area would you consider adding the following:

The premises shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by Police or authorised officers of the local authority upon request.

If you are in agreement, I will arrange for the amendments with Durham County Council

Regards

Kelly

PCSO 6627 Hyde
Licensing Officer
Licensed Economy Team
Annand House
Meadowfield
Phone
Phone:



Our Values & Vision:

Positive | Fair | Courageous | Inclusive | With Integrity

Protecting Neighbourhoods, Tackling Criminals, Solving Problems

Appendix 5: Applicant's statement

From: COHEN, RICKY <
Sent: 22 August 2023 11:06
To: AHS Licensing <
Cc: Yvonne Raine < ; FORREST, SIMON P.

Subject: [EXTERNAL]:FW: Notice of Licensing Hearing - Durham University Rushford Court, North Road, Durham
Importance: High

Good morning Yvonne,

Please find attached the notice of attendance document and statement in support of the Durham University Rushford Court application.

With best wishes,

Ricky

Ricky Cohen

Senior Community Operations Manager BSc (Hons) Nebosh (Cert)

Operations Directorate | Mountjoy Centre | Stockton Road | Durham | DH1 3LE

Mob: | Email: | <http://www.dur.ac.uk>



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Statement to Support the Club Premise Certificate Application for Durham University Rushford Court.

Durham University has applied for a club premises certificate for Rushford Court. Importantly, prior to making the application, we considered feedback from previous licensing applications, discussed our intentions with residents and met with the City of Durham Parish Council. Alongside this we reviewed planning conditions and considered the Licensing Act 2003 Statement of Licensing Policy 2019 to 2024, including Durham County Council's Framework of Recommended Termination of Hours for the Retail Sale of Alcohol.

The application received six representations, all from residents. The concerns broadly relate to a) concerns around additional noise, b) concerns around ignoring planning conditions and c) concerns around off-sales.

There were also isolated concerns regarding licensing hours, impact to roads and pavements, use of the premises by non-students, antisocial behaviour, a lack of police and security capacity, use of external areas and a drinking culture.

We hope that this statement assists the application and supporting documents to mitigate the concerns raised. We genuinely want to be good neighbours and more than that, we want to continue to add to the local community, not detract from it or people's experiences of living in what will for our students, be their Collegiate home.

College café bars:

College café bars are a safe environment for all members of the college community to enjoy a broad range of events, both academic-related and social.

The University also recognises that college café bars are one of the safest places in Durham for students to drink and socialise in, and as such is committed to encouraging student use of college café bars. Importantly, college café bars promote the sense of belonging and responsibility that is an intrinsic part of being a member of a college community, differentiating them from commercial bars in the wider Durham area.

Club premises certificate:

The application is for a club premises certificate. Rushford Court is most definitely not a 'pub' or a 'nightclub'. We have applied for a club premises certificate opposed to a premises licence, as it provides greater control and visibility of who is using the space.

After listening carefully to feedback, including from the City of Durham Parish Council we have significantly restricted the application's operating schedule request.

Alongside the supply of alcohol (on and off sales), the application requests the provision of plays, provision of films, live music, recorded music, performance of dance, anything of a similar description; importantly, the request is for indoors only.

The application requests an operating schedule of Monday to Thursday inclusive 10.00 - 23.00 Friday & Saturday 10.00 - 00.00 and Sunday 10.00 - 22.30 for all activities. Club Hours have been requested to include an additional 30 mins for drinking up time.

To put this compromise into context, all existing Durham University colleges have a standard operating schedule permitting licensable activities until 2am (except for Ustinov College which is permitted six occasions until 2am and South College and John Snow College which are permitted 2 occasions each until 2am.)

Planning condition:

The application complies with the relevant 'Condition 5' of the recent planning approval, which details "Within the approved Hub facility, any part in use for the purposes of serving food and/or drink shall only be used within the hours of 07.30 to 23.00 Mondays to Thursdays, 07.30 to 00.00 on Fridays and Saturdays and 07.30 to 22.30 on Sundays". During the requested drinking up time, the bar counter which is used to serve food and beverage will be closed with shutters down.

Durham County Council's framework of recommended termination of hours for the retail sale of alcohol:

The application's request is below Durham County Council's framework of recommended termination of hours for the retail sale of alcohol.

	Weekdays	Weekends	Bank Holidays
Durham County Council's framework provided by Durham Constabulary and Durham County Council's Licensing Enforcement.	00.00	01.00	Plus one hour
Durham University Rushford Court application.	23.00 plus 30 mins drinking up time (Mon - Thurs)	00.00 plus 30 mins drinking up time (Fri - Sat) 22.30 plus 30 mins drinking up time on (Sunday)	No additional hours requested

Off-sales:

The application requests the provision of on-sales and off-sales. We do not expect significant off-sale volume, as believe cheaper supermarket pricing is likely to attract students. However, we believe

that provision of off-sales may mitigate the likelihood of transient noise and footfall of students walking to and from North Road.

Location:

The location of the building is in the heart of the existing Rushford Court buildings, ideally positioned to minimise potential nuisance to our neighbours and mitigate the use of travel paths to and from North Road etc.

Capacity:

The College café bar and common room are of limited capacity; c.75 – 100 and the common room capacity of c.75 - 100.

Building construction:

Following an acoustic design strategy and report conducted and provided by Hydrox, the design exceeds regulatory minimum acoustic requirements and will achieve the high requirements required for BREEAM (Building Research Establishment Environmental Assessment Method), which recognise performance levels.

Finance:

All Colleges need to be financially viable, which includes the need to attract students within the context of competition from other licenced venues and undergraduate Colleges, which requires parity of facilities, parity of the 'Durham experience' and parity of club premises certificate conditions.

College Bar & Retail Committee:

In line with the requirements of the Club Premises Certificate, a committee will be established and will provide a forum where representatives including the College Officer Team (Head of College), Community Operations Manager, Food & Beverage Service Head, Student Bar Officer and representatives from Common Rooms bring together their knowledge, skills and experience in pursuit of promoting compliance of the licence, licensing objectives and the University's College Bar Policy.

The College Bar Committee would review detail of any potential non-compliance and escalate where appropriate to the relevant disciplinary framework.

Prevention of public nuisance:

Noise:

Within normal café bar trading, the noise will be limited to 80db as recommended within the venue Noise Impact Assessment. Venue volume will be measured during the initial week of opening to understand actual volume levels and inform correction measures to limit to 80db (vacuum cleaner levels.)

The café bar team will be trained and records retained on the prevention of public nuisance and the importance of being courteous to our neighbours in the context to where the College café bar is operating. The updated Handbook details the following processes and procedures relating to a noise management plan.

- Periodic completion of the Licensing Act 2003 Self-Assessment Form during initial operating - Risk of Causing Nuisance. This will be completed initially at various times of the day and for each license activity type that may present a risk of causing noise nuisance.
- All staff will be trained around how to reduce noise (as detailed on Bar Induction Facilitators Guide which links to the Bar Handbook).
- Amplified music within the café bar will only be permitted during the licensing hours.
- Amplified music or sound will not be permitted outdoors after 10:00pm (for information - in the context of Rushford Court, amplified music before 11pm is not a licensable activity).
- Residents, licensing authorities and University Security will be informed of any special events (such as college days), however it should be noted that the application has only requested indoor licensable activities.
- Windows and doors will be kept closed after 10pm.
- All external exits, toilets and designated smoking areas will display signage requesting that patrons are courteous to our neighbours by keeping noise to a minimum and avoiding loitering.
- A contact number will be provided to residents for immediate resolution of problems, including noise.
- Glass bins will not be emptied before 8am and after 9pm.
- Deliveries will be planned to avoid delivery prior to 8am.
- For events ending at midnight, management and/or Duty Porter will supervise departure of guests to ensure that they leave in a staggered fashion and are advised to leave quietly.
- There will be a 24/7 Porter on duty who will assist with controlling and addressing any large crowds or excessive noise.
- A meeting will be organised if required to troubleshoot any issues, including noise.

Public safety:

Food offer:

The café bar includes provision of hot and cold food and hot and non-alcoholic beverages.

Refusing service:

The café bar team will be trained on refusing service and recording such detail, and it will be clarified that it is an offence to serve any person who appears to be drunk or anybody underage. The team will also be trained to consider the amount of alcohol served during 'last orders' and only serve what is safe and reasonable to consume within the remaining time.

CCTV:

CCTV within the café bar and common room have been designed so that it covers the inside and outside of the main entrance and exit to the premises and all areas inside the premises where the supply of alcohol occurs. The CCTV incorporates a battery backup system to enable 24-hour continuous recording in case of any power blackout/failure.

The College Porter will be trained and capable of viewing and downloading CCTV footage and this will be made available to the appropriate authorities in a reasonable timeframe to be determined by the authorities and the College café bar management.

Student Induction:

All College students are trained during Induction week and detail will include responsibilities in relation to public nuisance and noise, including the Shh... 11pm – 7am campaign.

Prevention of children from harm:

Challenge 25:

Challenge 25 will be in operation and a refusal service register will be kept on the premises.

Prevention of crime & disorder:

The University is not aware of any evidence to suggest that College café bars create or exacerbate crime and disorder, however the University recognises that College cafe bars must work with the Licensing Authority and within the licensing conditions.

Robust policy and procedures are in place to promote compliance of the licence, licensing objectives and the University's College Bar Policy., (including the Bar Handbook and a College Bar & Retail Committee)

The café bar team will be trained on Handbook specifics, including; access to the café bar, age, capacity, drunkenness, disorderly conduct, CCTV, penalties, drugs, promotions, crime, ban of drinking games, minimum pricing, maximum alcohol content, drink driving, spiking, conflict management and active bystander training.

Although unlikely to be required from a crime and disorder perspective, the University has a well-resourced centralised security department and team, that can be called upon to support if indeed required.

Members and guests:

Only members, associate members, temporary members or bona-fide guests will be permitted to enter the cafe bar. College members will be required to carry their campus card with them and produce it upon request for identification purposes. All non-college members or guests to the café bar will be required to be signed into the café bar. If a staff member suspects that there is a non-member in the café bar, they will be trained to ask for ID and inform the visitor of this policy. If the person is not a College member, a bona-fide guest of a College member, or a member of the University, the person will be asked to leave the premises.

Community:

We plan to work hard to be part of and enhance the community, and hope that residents will continue to use Rushford Court, including the new space, for community meetings. If these include alcohol or regulated entertainment local residents will need to be treated as 'guests'.

Authorised staff, employed by Durham Police, will be given free access to all parts of the premises, at all reasonable times, for the genuine purpose of inspection to ensure compliance with the terms and conditions of the club premises certificate and to ensure the promotion of the licensing objectives.

18 August 2023

Ricky Cohen
Senior Operations Manager (Food & Beverage)
Durham University

Appendix 6: Representations

From: F Gotto
Sent: 25 July 2023 20:08
To: AHS Licensing
Subject: [EXTERNAL]:Licensing Act applications

I wish to make the following objections and comments relating to the licensing application submitted concerning Rushford Court.

1. The prevention of crime and disorder: in order to prevent the use of the site for events as described outside term time when the college will not be functioning at full capacity any licence should be limited to term-time only. The potential for crime and disorder will be unacceptably high if the site is used as an out-of-term venue for non-university visitors. The college will not have the capacity to staff such events safely within the college and outside the college curtilage where the college staff will have no authority or responsibility the proximity of busy roads raises the risk of traffic accidents to an unacceptable level.
2. Public safety: the roads are busy and the pavements are often very narrow near the entrance to the college and in the surrounding streets interconnecting the college with the city centre. Crowds of non-college visitors issuing from events late into the night raises the risk of accidents to an unacceptable level. This will be true even in term time. Some mitigation can be achieved by limiting the licensing to term-time only. College staff will have no authority or responsibility to supervise their guests once they leave the college grounds. Such guests will often have been drinking. Within the premises the college staff's authority to control drinking and social misbehaviour will only really be effective over university students. So the risk can further be mitigated by limiting the licence to allow the college to admit only university students to the licensed events as described.
3. Prevention of public nuisance: events hosted by the college and a bar open until the hours stated in the licence application will raise the risk of noisy and rowdy groups of people entering, leaving and congregating in the area. This risks obstructing traffic and other pedestrians. Such events also seriously risk disturbing the immediate neighbourhood, both from on-street noise and other antisocial behaviour of college guests and from in-college sound systems. Local residents do not want to contend with a nightclub on their doorstep. This risk can also be mitigated by restricting the licence to term-time. College staff will have no authority or responsibility to supervise their guests once they leave the college grounds. Such guests will often have been drinking. Within the premises the college staff's authority to control drinking and social misbehaviour will only really be effective over university students. So the risk can further be mitigated by limiting the licence to allow the college to admit only university students to the licensed events as described. Finally the risk of noise disturbance should be further mitigated by reducing the licensed hours of operation in the evenings and also at weekends. The Western Hill area of the city is usually pleasantly quiet and I wish to protect that amenity.

Thank you.
F Gotto

From: C Allen <

Sent: 06 August 2023 08:25

To: AHS Licensing <

Subject: [EXTERNAL]:Strong objection to Durham University application for a Club Licence for Rushford Court

Objection to Club Licence application for Rushford Court

As residents of West Terrace, DH1 4RN which faces directly onto the back of Rushford Court with no more than 100 to 200 metres between the two properties, we have to strongly object to this application.

In the interests of public nuisance and public safety this cannot be granted.

We are already disturbed at least 1-2 nights a week (usually around 1-2am in the morning but can be earlier or later) by either loud noises (shouting etc) from the current student residents or from loud music at Rushford. This is an issue because of the extremely close proximity of the college to the residential houses. There is literally nothing that the University can do or measures they can put in place to make sure they do not disturb residents as the location of the college means that inherently it is too close to be able to stop the anti social noise.

Each college can, and has to, be different. The students have immediate access to many bars and clubs on their doorstep in the city centre and therefore do not require any of these facilities in the college itself. It would be more of a positive for the University not to provide these facilities in the college so the students have to go to local bars and clubs and support the local economic community that they are part of.

This application should be seen individually and not get caught up in what other University colleges have in place. This is the only college which is being established, since the conservation area was updated in 2016, which is inside the conservation area and on this basis alone this application should be refused as it will destroy the ambience of the historic area and is definitely not required as bars and clubs are already available locally to the college.

There may also be comparisons made with other colleges like Ustinov which is also very close to residential houses and how well that licence might be working there. However this can't be used as a comparison case as Ustinov is a post graduate college and so the students who stay here are very different in how they behave to the much younger students who will be resident in Rushford Court.

The University are also flat out ignoring the planning conditions in this application which were given to this site in relation to the planning application made in November 2022. If they are already doing this, then this sets the precedent that any conditions they agree to in terms of managing this licence won't be met as they have a blatant disregard for these requirements. So in considering this application, you can't consider that any management or mitigations will be implemented or effective.

The University has also already committed to its 'Sssh' policy to not disturb residents after 11pm at night but the hours being requested on this application are in direct contradiction to this.

Also the Police do not have the capacity to deal with policing another college. They are currently not able to respond and deal with recurring arson incidents which are happening out the back of Rushford Court and will therefore not be able to deal with the inevitable issues which will come from approving this application.

Many thanks

C Allen

West Terrace

From: C Allen
Sent: 07 August 2023 20:51
To: Yvonne Raine <
Subject: Re: OBJECTION: Durham University application for a Club Licence for Rushford Court

Thank you Yvonne - I really appreciate you sending through this information which is helpful.

While being able to see the location of the proposed licenced area is positive as it is away from the houses, it's concerning that there is an outside space as well as the request for amplified (as well as non-amplified sound). In such close proximity to a residential area they can't be playing amplified noises until that time of night throughout the week without causing a public nuisance.

I cannot see anything in their mitigations which reflect that they've considered that this college is different to the other colleges given it's close proximity to a large residential area and therefore the much higher likelihood of it causing a public nuisance.

Also if they are requesting for alcohol to be taken away from the licenced area what provisions have they made to make sure this doesn't disturb the local residents? This has not been acknowledged anywhere in their submission. It would therefore seem appropriate to mitigate this risk to only provide the licence for the licenced area and state alcohol cannot be taken out of this area.

There is a lot of theory in here and what sounds like a long list of paper policies but nothing that covers the exact tangible actions they will be taking. They talk about placing heavy reliance of the University security service as they only control they have in place for when things inevitably go wrong. Has the University confirmed that they have increased the number of security service staff employed to cover this additional college?

Under the prevention of public nuisance section, they talk about establishing engagement with the local residents. Surely this should have been done before submitting the application if they really intended to do this point properly. They would have then taken this seriously and used it to feed into this application. Are you able to make sure that this step is a requirement of the approved licence and that there is some kind of feedback mechanism in place to make sure this actually occurs? The same point goes for their comment that a contact and number will be provided.

A point of note - under Section 13 the timings are different to that advertised in the notices at 23:30/00:30 and not 23:00/00:00 with the later timings of after 11pm being in contradiction to the approval requirements that were provided with the approval of their planning application submitted in November 2022 (already mentioned in my previous email).

For your information I also attach a couple of photos which reflect how the University have put up their notices in relation to this application.





Many thanks
C

From: A Parker <[REDACTED]>

Sent: 06 August 2023 21:13

To: AHS Licensing <[REDACTED]>

Subject: [EXTERNAL]:licensing team application by Durham University for Rushford Court DH1 4RY

I have writing as the owner of a property in Waddington Street Durham to object to the application for the grant of a club premises certificate by Durham University for Rushford Court.

When this purpose built accommodation was built the local residents were assured that there would be no students union with a bar at this accommodation which was built in the middle of a residential area.

If the new students hub is allowed a licence I anticipate that local residents' quality of life will be adversely affected.

I attach a noise assessment which I had undertaken when the planning application was first submitted to turn the former County Hospital to student accommodation and you will note that even music played from an open window in the new block would be a noise nuisance for the residential houses in Waddington Street.

I therefore object to any activity emanating from the student hub which would be audible outside the hub as these would disturb the occupiers of the residential properties around Rushford Court.

I am also concerned that alcohol will be sold for consumption both on premises and off premises. There are external steps to the hub which are closer to residential areas and students running and shouting up and down these steps and using the roof terrace possibly inebriated or going to and from the activities which can go on late until 11 pm and even midnight will disturb the peace and quiet of the neighbourhood. There is a clear link between inebriation and raucous and antisocial behaviour.

I would therefore ask that the proposed time limits for activities are limited so that there will be no disturbance after 9 pm and there should be no supply of alcohol off premises and on premises supply should similarly be prohibited after 8 pm.

Yours sincerely

A Parker
owner of Waddington Street



Our ref: 147/1316HSS/hs

Date: 2nd April 2015

Mrs A Parker
Waddington Street
Durham DH1 4BG

Dear Anita,

**Project: Re-development of County Hospital
Review of the noise assessment report**

I refer to our telephone discussions and understand that there is a proposal to re-develop the old County Hospital site immediately in front of your property.

I've had a brief look at the proposals together with the accompanying noise assessment report. The report I reviewed is job number NT11433 report number 0004 dated March 2015 and have the following comments.

- The ambient background noise survey undertaken by Wardell Armstrong is considered to be very limited for the scale of the proposed development.
- It is interesting to read para. 64 in the Durham CC Planning Services Committee Report that the submitted report 'does not fully demonstrate the impact the development would have on existing residential properties'. It also mentions that 'this requires further consideration, and an appropriate planning condition should planning permission be granted'. This begs the question; why was this impact not assessed? and are the developers hiding something? A broad assessment would be expected at this stage.
- I would have expected to see a long term noise measurement over a period of at least a couple of days to cover periods causing the highest noise levels, such as peak times of a weekday, and the quiet periods, such as weekend evenings. Noise in the quiet periods is important to assess the impact of any new development, as per BS4142.
- I would agree with the findings of the limited noise survey which show that internal noise levels in student's bedrooms and living rooms/areas could be met using the appropriate double glazing configuration.

Noise impact on existing residences

There are two aspects to be assessed for noise impact arising from this proposal: the effect of ambient noise on the proposed new development to meet the BS8233 and WHO recommendations AND the effect of any new sources of noise on the existing houses, as per BS4142.

There is no mention of the potential new sources of noise, such as; lift operating mechanism, a/c units, chillers, in addition to noise from the more apparent student hub and groups of students. The adverse impact of noise from these need to be assessed in accordance with BS 4142:2014 'Methods for rating and assessing industrial and commercial sound'. I would consider the sounds emanating from the student hub as commercial sound.

Noise escaping from the student hub and from bedrooms

It is not clear the times the student hub is to be operational and for what type of events. A music/ dance night cannot be ruled out at this stage, however.

Our previous noise measurements in a disco/ dance floor held on file, show five minute period sound levels of 98 dB L_{Aeq} and 106 dB L_{Amax} . Values over a shorter time period would be higher.

There is an unscreened view of the student hub from some properties in Waddington Street, except for the trees. Assuming open doors/windows at the venue and residential properties, which can happen during the warm evenings, this could cause a significant adverse impact at the properties in Waddington Street. A quick calculation indicates a level up to 53 dB L_{Aeq} at the facade of these properties. A sound of this magnitude would be audible, particularly the low frequency components, and would require appropriate mitigation.

Should there be a similar 'party' in a student bedroom, a quick calculation shows a level of up to 60 dB L_{Aeq} at these properties because the nearest room is only about 38 m distance from houses in Waddington Street. This noise impact would be significant, and perhaps substantial, during warm evenings when windows are left open.

I note that the proposal includes for a 24/7 management presence on site, but the response period from the time of complaint to action taken to eliminate the source of sound, would lead to potential noise nuisance. This would not be acceptable in principle. I suggest all windows in the proposed new buildings facing Waddington Street and other existing residential properties should be sealed and non-openable. Ventilation in bedrooms would then require mechanical means.

Light glare from bedrooms

You mentioned glare of lights from student's rooms, I'm sure some blinds could be designed and installed external to the new buildings that can stop build up of internal heat in bedrooms and living areas by restricting sunlight during daytime and then rotate to stop the light glare to the existing residences during the night-time. This would be a novel and sustainable solution to everyone's benefit.

Noise and vibration from construction activities

It is usual to control any noise and vibration from construction activities by a planning condition because it is too early for details of number of plant, plant type and the hours of work to be known. Usually, once these details are available a Section 61 agreement is made between the contractor and the local authority a noise and vibration impact assessment based on the plant including any piling and their on-time etc., is undertaken in accordance with BS5228. If any adverse impact is identified then measures to mitigate these impacts are agreed in advance of the works and put into place during the works. Even after all this there is still opportunity to make complaints during the construction period.

Please contact the undersigned for discussion or explanation of any of the above matters.

Yours truly

Dr Hardial S Sagoo, Principal.

From: J

Sent: 06 August 2023 22:15

To: AHS Licensing <

Subject: [EXTERNAL]:Licensing team application by Durham University for Rushford Court DH1 4RY

I write as the owner of a property in West Terrace/Back Western Hill to object to the application for the grant of a club premises certificate by Durham University for Rushford Court.

When this purpose-built accommodation was constructed, the local residents were assured that there would be no students union with a bar at this building, which is situated in the middle of a residential area. If the new students' hub is allowed a licence, I anticipate that local residents' quality of life will be adversely affected.

I am concerned about noise and disturbance arising from amplified music and from the increased footfall to and from activities which can go on until midnight. Of particular concern is the sale of alcohol, given that the building will house undergraduates - including first-years - and that alcohol will be sold for consumption both on premises and off premises. There is a known drinking culture amongst students at this stage. There are external steps to the hub which are closer to residential areas, and students shouting and running up and down these steps and using the roof terrace, possibly inebriated, or going to and from the activities which can go on late until 11 pm and even midnight will disturb the peace and quiet of the neighbourhood. There is a clear link between inebriation and raucous and antisocial behaviour.

I object to any activity emanating from the student hub which would be audible outside the hub as these would disturb the occupiers of the residential properties around Rushford Court.

I would therefore ask that the proposed time limits for activities are limited so that there will be no disturbance after 9 pm and there should be no supply of alcohol off premises and on premises supply should similarly be prohibited after 8 pm.

Yours faithfully,

J Rosenak

Owner of West Terrace/Back Western Hill

From: C Wright <
Sent: 07 August 2023 12:58
To: AHS Licensing
Subject: [EXTERNAL]:Application by Durham University for a club premises certificate for Rushford Court (DH1 4RY)

Durham City 7 August 2023

Dear Sir

I live in Victoria Terrace, very close to Rushford Court, and any noise from that site carries, especially in the evening and at night when there is less traffic in the area, straight up both North Road and up Victoria Terrace and Princes Street.

I object strongly to this application, especially given that the applicant (Durham University) has not had the courtesy to write to us as local residents to inform us of this application, or of their intention to take over Rushford Court as a college of the University.

Rushford Court has been operated by Unite Students very quietly over its five years of existence, the main noise impinging on the neighbourhood being from the many delivery vans, and the extremely noisy late evening refuse collections.

The prospect of Rushford Court becoming a standard college of Durham University is most unwelcome, given the level of noise and disruption which surrounds the existing colleges. This may not matter along South Road, or even along the Bailey, where there are relatively few other residents, but the entire area around Rushford Court, and especially Western Hill, is a quiet residential one with a population including doctors and dentists, university academics, and other professional people, many of whom have to leave early in the morning to travel across the county to work; schoolchildren, who also have to be up early; elderly frail people and neuro-diverse residents who need quiet surroundings; and even some studious students.

It should be noted that when the planning applications were made to convert the County Hospital into Rushford Court a decade ago, the University averred that it did not want students in this area of the City. Why has it changed its mind?

I assume that Rushford Court has not had (or needed) a 'club premises certificate' for the manner in which it has been operated. Why does Durham University need one now?

If permission for plays, films, dance performances, and - especially - live and recorded music **is** granted, then there need to be strict limits on the volume of noise permitted and the amount which can be allowed to 'seep' out via doors, windows and other openings. Sound carries very clearly across not only the surrounding area, but also across the City because of the 'amphitheatre' effect of the City's geology and geography.

As for the application for "Supply of alcohol (on and off the premises)", while such an application may be standard for the so-called Bailey and Hill Colleges, where there are no public houses or off-licences anywhere in their vicinity, **this is not the case at Rushford Court.**

There are two pubs (the Bridge Hotel and The Stationhouse) within one minute's walk of the gate of Rushford Court, there are several other licensed premises within five minutes' walk down North Road, and it takes no more than ten minutes to walk to the Riverwalk and Walkergate complexes of bars and clubs. There are also two off-licences (Tesco Express and Sainsbury's Local) in North Road, which are open 6am/7am respectively until 11pm every day. There is therefore no need whatsoever to provide off-sales at Rushford Court, and to do so might well cause trouble with local revellers attempting to gain access to Rushford Court.

If the students must be provided with the opportunity to buy alcohol on-site (has this not been the case at Rushford Court under Unite Students?), then it should be **only on the premises**, and there should be **NO off-sales**.

Yours faithfully
C. Wright

Appendix 7: Responses from Responsible Authorities

From: Kelly Gilmore-Craze <

Sent: 11 July 2023 12:38

To: Karen Baker <

Subject: RE: Licensing - NEW Club Premises Certificate Application - Durham University Rushford Court Club, Rushford Court, North Road, Durham DH1 4RY

MEMO



To: Ms Karen Baker
Licensing Services

From: Mrs Kelly Gilmore-Craze
Neighbourhoods and Climate Change

Date: 11 July 2023

Re: **Licensing Application Premises licence**
Rushford Court North Road Durham DH1 4RY

With reference to the above licensing application received on 10 July 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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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: 12 July 2023

Ext:

Our Ref: 6140850565

Your Ref:

Direct Dial Telephone:

E-mail:

Karen Baker

Dear Karen,

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Unite Students, New Ancillary Building, Rushford Court North Road, Durham, DH1 4RY

I acknowledge your application dated 10 July 2023 for a Club Premises Certificate 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: Licensed Economy Team <

Sent: 18 July 2023 14:35

To: Karen Baker <

Cc: AHS Licensing

Subject: [EXTERNAL]:RE: Licensing - NEW Club Premises Certificate Application - Durham University
Rushford Court Club, Rushford Court, North Road, Durham DH1 4RY

Good afternoon,

Durham Constabulary have no objections

Thank you

Kind regards

Vikki Gill 8118

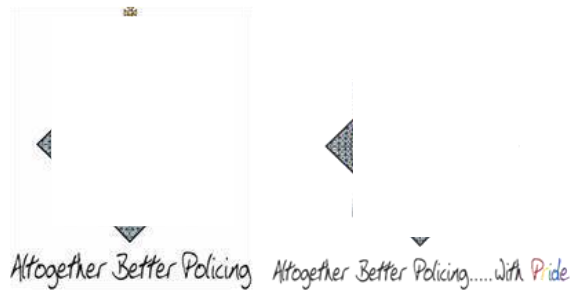
Durham Constabulary

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

Appendix 8: Statement of Licensing Policy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix 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 9: 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.