

# Statutory Licensing Sub-Committee

15<sup>th</sup> June 2017

## Application for the Grant of a Premises Licence



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### Report of Jane Robinson, Corporate Director, Adult & Health Services

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**Name and Address of Premises: Durham House, 8 West End, Sedgefield. TS21 2BS**

#### 1. Summary

The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for Durham House, 8 West End, Sedgefield originally received from Ms Lesley Dexter and Mr Neil Edmondson.

On 26<sup>th</sup> May 2017, Mr Edmondson removed his name from the application and Ms Lesley Dexter is now the sole applicant.

The premises is a former public house which is now a holiday let property.

A plan showing the location of the premises is attached at Appendix 1.

#### 2. Details of the Application

An application for the grant of a premises licence was received by the Licensing Authority on 21<sup>st</sup> April 2017. A copy of the application is attached as Appendix 2.

The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.

The original application was in respect of the following licensable activities and for the hours detailed:

Activities	Days & Hours Requested
Sale of Alcohol - for consumption on the premises (Sale of alcohol to resident guests and also at ticketed supper club nights and themed events)	Monday to Sunday: 00:00 – 24:00 hrs

On 26<sup>th</sup> May 2017, Ms Dexter amended her application so as to withdraw the sale of alcohol to resident guests staying at the premises.

The application is now in relation to the sale of alcohol for supervised, ticketed events only.

A copy of Ms Dexter's e-mail confirming this amendment to the application is attached at Appendix 3.

Ms Dexter has also added additional conditions to her operating schedule following discussions with the Durham Local Safeguarding Children Board.

Details of these additional conditions proposed by the applicant are attached at Appendix 4.

On 26<sup>th</sup> May 2017, Mr Neil Edmondson submitted a written statement in relation to the application.

A copy of Mr Edmondson's letter is attached at Appendix 5.

### **3. The Representations**

The Licensing Authority received ten representations from 'other persons'.

The representations relate to the following licensing objectives:

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

Copies of the representations are attached as Appendix 6.

No representations were received from any of the Responsible Authorities.

For Members' information – Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the application:

- Environmental Health Authority
- Durham Constabulary

Copies of these responses are attached at Appendix 7.

Also for Members' information – A letter not amounting to a representation was received from Councillor John Robinson.

A copy of Councillor Robinson's letter and the Senior Licensing Officer's response are attached at Appendix 8.

#### **4. Parties**

The Parties to the hearing will be:

- Ms Lesley Dexter (Applicant)
- Mr Neil Edmenson (Other person)
- Sedgefield Town Council (Other persons)
- Mr Angus Hearmon (Other person)
- Mr Steve Nuttall (Other person)
- Dr and Mrs Dentith (Other person)
- Mr and Mrs GI Ferguson (Other person)
- Professor WR & Mrs GI Garside (Other person)
- Mr T and Mrs Y Sims (Other person)
- Mr Fraser Ferguson (Other person)
- Ms Lisa Spencer (Other person)
- Mr and Mrs Anderson (Other person)

#### **5. Durham County Council Statement of Licensing Policy**

The Sub-Committee's attention is drawn to the following relevant parts of the Policy:

- 7.0 The Prevention of Crime and Disorder
- 8.0 Public Safety
- 9.0 Prevention of Public Nuisance
- 10.0 The Protection of Children from Harm
- Appendix B - Framework Licensing Hours

Relevant information is attached as Appendix 9.

#### **6. Section 182 Guidance**

The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under section 182 of the Licensing Act 2003 as follows:

- 2.1 – 2.6 Crime and Disorder
- 2.7 – 2.14 Public Safety
- 2.15 - 2.21 Public Nuisance
- 2.22 – 2.32 Protection of Children from Harm

Relevant information is attached as Appendix 10.

#### **7. For Decision**

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

**Background Papers:**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (as amended April 2017)

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**Contact: Yvonne Raine**

**Tel: 03000 265256**

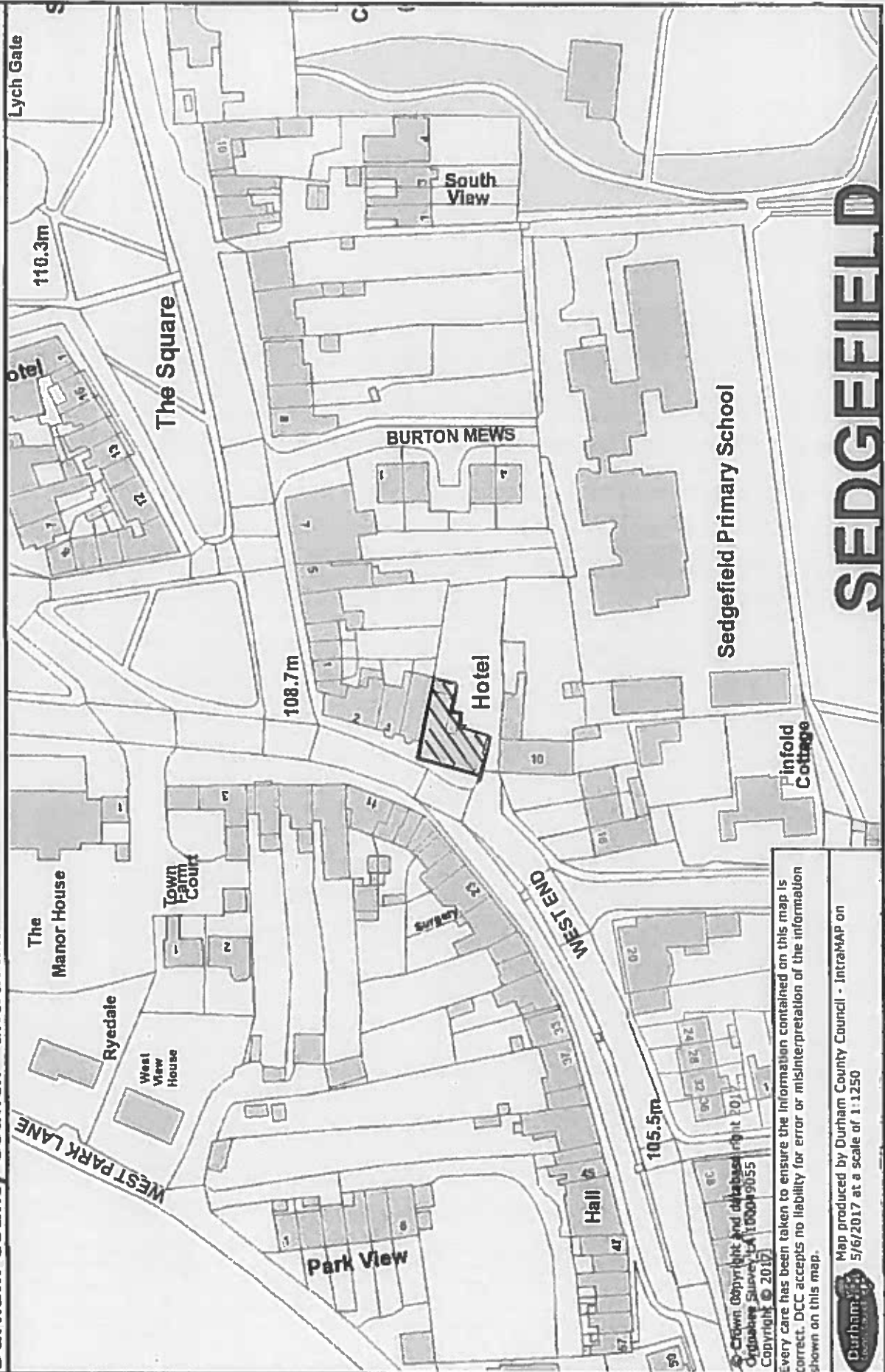
**Email: [yvonne.raine@durham.gov.uk](mailto:yvonne.raine@durham.gov.uk)**

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## APPENDIX 1 – LOCATION PLAN

Plan for identification purposes only; not to be used for scaling or formal documentation

### Durham County Council - IntraMAP



© Crown Copyright and database right 2015  
Ordnance Survey, EA100049055  
Copyright © 2015  
Every care has been taken to ensure the information contained on this map is  
correct. DCC accepts no liability for error or misinterpretation of the information  
shown on this map.

Durham County Council  
Map produced by Durham County Council - IntraMAP on  
5/6/2017 at a scale of 1:1250

# SEDGEFIELD

## APPENDIX 2 – APPLICATION

# DURHAM COUNTY COUNCIL, Licensing Services, PO Box 617, Durham. DH1 9HZ

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

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Lesley Dexter and Neil Edmenson

*(Insert name(s) of applicant)*

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

### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <b>Durham House 8 west End Sedgefield County Durham TS21 2BS</b>			
Post town	Sedgefield	Postcode	Ts21 2 BS

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£8200</b>

### Part 2 - Applicant details

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

- |  |                          |                             |
|--|--------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *               |                          |                             |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | x                        | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/> | please complete section (B) |



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

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

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

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

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

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

Name Lesley Dexter and Neil Edmenson
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) Partnership
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start? 01 May 2017

DD	MM	YYYY
01	05	2017

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)  
Holiday Let predominantly used on weekends. Formerly a Public House (the Nag's Head) it is situated in a conservation area of Sedgefield, We aim to supply alcohol to resident guests who have booked the whole house as a holiday home and are staying overnight.

In addition, we aim to offer various themed/fine dining evenings,

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

x

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

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Wed					
Thur					
			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here (please read guidance note 4)</b>		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)</b>		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)</b>		
Sat					
Sun					



**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Wed					
Thur					
			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed					
Thur					
			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
<b>Wed</b>			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
<b>Fri</b>			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> <b>Standard days and timings (please read guidance note 7)</b>			<b>Please give a description of the type of entertainment you will be providing</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</b>	<b>Indoors</b>	<input type="checkbox"/>
<b>Mon</b>				<b>Outdoors</b>	<input type="checkbox"/>
				<b>Both</b>	<input type="checkbox"/>
<b>Tue</b>			<b><u>Please give further details here</u> (please read guidance note 4)</b>		
<b>Wed</b>			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</b>		
<b>Thur</b>			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</b>		
<b>Fri</b>					
<b>Sat</b>					
<b>Sun</b>					

**I**

<b>Late night refreshment Standard days and timings (please read guidance note 7)</b>			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u> (please read guidance note 4)</b>		
Mon					
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)</b>		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)</b>		
Fri					
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption</b> <b>= please tick</b> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5) The beer and lager will be sold in kegs to guests using the accommodation for a minimum of 2 nights. They will then be able to access the bar facilities. This will be a private group of people. Various supper-club nights and themed nights, which will include fine dining, will include the use of the bar facilities which will be run by fully trained staff. They will not have access to behind the bar. This will be a pre-sold ticket event. Occasional themed days to co-incide with village activities eg Medieval Fayre to enhance community spirit with the local residents. Some private functions will include the use of the bar run by staff.		
Mon	00.00	24.00			
Tue	00.00	24.00			
Wed	00.00	24.00			
Thur	00.00	24.00			
Fri	00.00	24.00			
Sat	00.00	24.00			
Sun	00.00	24.00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

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

<b>Name</b> Lesley Victoria Dexter	
<b>Date of birth</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal licence number (if known)</b>	
<b>Issuing licensing authority (if known)</b>	

□□□□

K

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

L

<b>Hours premises are open to the public Standard days and timings (please read guidance note 7)</b>			<b><u>State any seasonal variations (please read guidance note 5)</u></b>
Day	Start	Finish	
Mon	00.00	24.00	
Tue	00.00	24.00	
Wed	00.00	24.00	
Thur	00.00	24.00	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</u></b>
Fri	00.00	24.00	
Sat	00.00	24.00	
Sun	00.00	24.00	

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

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

DPS to monitor sale of alcohol according to the number of guests. Inform guests of laws regarding sales/use of alcohol and reminder of sensible/responsible drinking.

Guests using holiday cottage to sign form regarding the four licensing objectives.  
DPS to monitor sales of alcohol to supper club guests. To train staff in licensing objectives/sales of alcohol.

Signs regarding the sale and consuming of alcohol to be clearly placed in and outside the premises.

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

Holiday customers to agree to terms/conditions for holiday let by cottages.com and holidaylettings.co.uk which have strict rules on behaviour in the cottages and with respect to neighbours. In addition a form to be signed if purchasing alcohol. Signs to be place in building and outside clearly stating respect to neighbours to not be outside after 10pm.

**c) Public safety**

Alcohol to be only consumed on the premises, guests are staying in the property, so minimum chance of leaving property foot or by car. DPS to monitor customers at supper club for signs of drunken behaviour.

**d) The prevention of public nuisance**

Guests are to sign documents stating they must drink inside property after 10pm. Outside signs clearly stating respect for neighbours.

Supper club guests asked to respect neighbours and quietly leave the car park or premises.

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

Guests staying overnight to sign form clearly stating they are over 18 and that alcohol will not be given to children.

With regards to private functions/ supper club, any customers looking under 21 will be asked for ID. Staff serving alcohol will be given training in regards to serving minors. "Over 21" signs will be clearly located near the bar when private function/supper clubs evenings are taking part.



**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. To be completed over the phone X
- I have enclosed the plan of the premises. Posted 1<sup>st</sup> class 18<sup>th</sup> April X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. You have agreed that this will be done electronically by yourselves X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. You have this form X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). X

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

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

**Part 4 – Signatures (please read guidance note 11)**

**Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
<b>Signature</b>	
<b>Date</b>	6/4/17
<b>Capacity</b>	OWNER

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

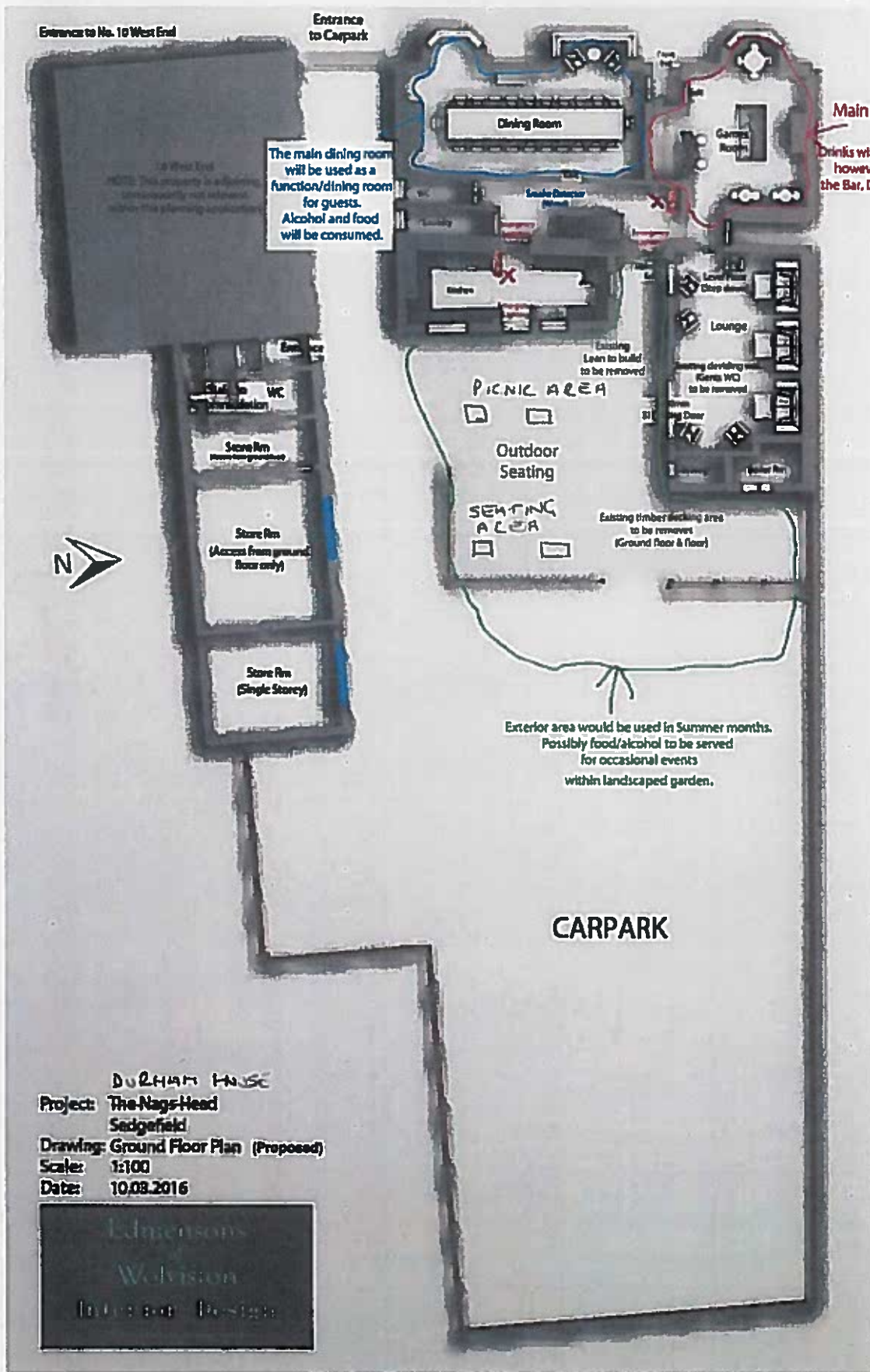
<b>Signature</b>	
<b>Date</b>	6-4-17
<b>Capacity</b>	OWNER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

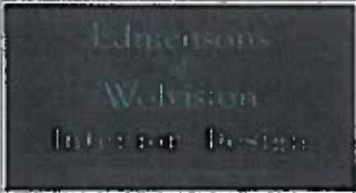
#### Notes for Guidance

- 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.
- In terms of specific regulated entertainments please note that:

X - Fire Extinguisher



DURHAM HOUSE  
Project: The Nags Head  
Sedgefield  
Drawing: Ground Floor Plan (Proposed)  
Scale: 1:100  
Date: 10.08.2016



**APPENDIX 3 –  
APPLICANT'S AMENDMENTS**

**From:** Lesley Dexter  
**Sent:** 26 May 2017 14:12  
**To:** Neighbourhood Services Licensing <Licensing@durham.gov.uk>  
**Subject:** FAO Helen Johnson

FAO Helen

RE: 8 West End, Sedgefield, County Durham, TS21 2BS

Further to concerns from local residents, I have carefully considered their comments and would like to make the following amendments to my application.

I wish to withdraw the sale of alcohol to resident guests.

I still wish to continue the right to sell alcohol for ticketed events. This will mean that there will always be someone present on site when the alcohol is purchased and consumed. This will ensure that the DPS is on-site at all times to ensure the the licensing objectives are being met.

Please do not hesitate to contact me if you have any further questions regarding this application.

Kind regards

Lesley Dexter

**APPENDIX 4 – ADDITIONAL CONDITIONS  
AGREED BY APPLICANT**

## **Durham House, 8 West End, Sedgefield**

Additional conditions added by applicants after LSCB mediation:

- Verification of age – safeguards to be in place to see that alcohol is not served to or purchased on behalf of under age children. Any premises licence should include a mandatory condition that an age verification policy is operated. (please note - Durham Local Safeguarding Children Board recommends and promotes the “Challenge 25” standard which requires anyone looking under the age of 25 to produce photographic evidence of proof of age from a passport, driving licence or PASS accredited scheme before any alcohol is supplied). The actions of staff operating the policy to be regularly monitored.
- Minimise the risk of proxy sales – The applicant will work with the police to minimise the risk of proxy provision / proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).
- Maintain a refusals register – where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register or incident log to be updated. The register to be made available to the police on request.
- Training of staff – all staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

**APPENDIX 5 – LETTER FROM  
MR EDMENSON**



**FAO DURHAM COUNTY COUNCIL**

**LICENCING**

**26.05.17**

**RE: Durham House, 8 West End, Sedgefield, TS21 2BS**

I have spoken to various neighbours/ locals regarding our licencing application as I strongly believe this would be for the benefit of both Durham House and the Village of Sedgefield. The license would give us more control over the consumption of alcohol and the right to refuse alcohol if the need was there. It was always our intention to work with locals especially those who live close by however this is a new business and mistakes may be made along the way.

Our intention was to offer various high end evenings throughout the year. The 'Supper Club' has previously been mentioned. We have interviewed various local chefs and composed specialist menus for such events. These evenings would be 100% staffed, aimed at a max of 22 people per evening and have background music (if any). The experience would be that of intimate fine dining, aimed at professional people. Feedback for the above has been hugely positive however for costs to be feasible we would need to offer a licenced bar.

For those who believe we have been selling alcohol prior to our application I can assure you this is incorrect information. Previous comments are based on presumption with zero fact. This has easily been proven; the only barrels which have been delivered to Durham House were for our personal use over the Christmas period and for my personal 40<sup>th</sup> Celebration. Again, contrary to previous accusations these were paid for by myself and the drinks were offered to friends and family free of charge. I did however have a 'Daisy Chain' charity bucket for people to make donations as they felt comfortable. Due to various adolescent complaints we have received since developing Durham House I am half expecting a petition to now be circulating criticising our choice of charity? Any other wagons relating to beer have simply been collecting existing barrels which were left from the previous Nags Head as these are not our property.

Many guests have enjoyed "having their own bar" and the "bar experience" however this simply relates to exactly that "having their own bar". Children pretending to pull adults drinks etc. Regardless of whether we have a licence or not, we cannot stop guests of Durham House filling their own bar and drinking whatever they want, whenever they want. We simply request appropriate behaviour and noise levels. We have terms and conditions which must be obeyed and as stated above we will work closely with any locals who have issues regardless of an alcohol licence.

We do have a 'NO STAG PARTY' policy which is clearly stated on all forms of advertisement/booking. With regret one Stag party did slip through the net due to booking as a 'corporate golfing weekend'. In addition to creating certain issues with locals our property was also damaged. A previous statement claiming when a disruption was reported "nothing was

done" is inaccurate and unfair. This was dealt with within the hour of that report and a discussion with neighbours after the event confirmed no disruptions were made after the reported incident. We have now amended our policy and in such an event the guests would be asked to leave the property if they have been deceptive when booking.

Regards

Neil Edmenson.

## APPENDIX 6 - REPRESENTATIONS

**From:** Jane Ayre  
**Sent:** 18 May 2017 12:51  
**To:** Yvonne Raine <Yvonne.Raine@durham.gov.uk>  
**Subject:** RE: Premises Licence - Durham House, Sedgfield  
**Importance:** High

Good Afternoon Yvonne,

Further to our recent correspondence (see below), I can confirm that Sedgfield Town Council considered the matter of the application by Durham House, Sedgfield for a Premises Licence at its Policy & Resources Committee meeting on Monday 15<sup>th</sup> May 2017.

The Town Council has been contacted by residents living at numbers        and        West End, Sedgfield and well as those at        Rectory Row, Sedgfield who have all submitted strong objections to this application based upon their recent experiences of noise disturbance and anti-social behaviour. We know that these residents have also submitted their comments directly to Durham County Council for consideration as part of your application process.

The Town Council would like to know why the applicants are seeking such a Premises Licence and would be grateful if you could provide the answer to this question.

The Town Council would like to register its concerns regarding this particular application, in light of the above mentioned residents comments, and request that if a licence is granted that restrictions are placed on the hours for selling alcohol plus a condition that no drinking takes place outside after 10pm. The Town Council would also request that Durham County Council's Environment Health conducts noise monitoring in relation to this property.

I would be grateful if you could confirm receipt of this correspondence and look forward to receiving further information from you in due course.

Kind Regards,

Jane.

Dr Jane Ayre  
Town Clerk  
Sedgfield Town Council  
Council Offices  
Sedgfield  
TS21 3AT

PLEASE NOTE: NEW EMAIL ADDRESS:

*Passionate* about Sedgfield

north east  
england

**From:** Angus Hearmon  
**Sent:** 29 April 2017 15:44  
**To:** Neighbourhood Services Licensing <[Licensing@durham.gov.uk](mailto:Licensing@durham.gov.uk)>  
**Subject:** OBJECTION: Durham house, 8 west end, Sedgefield TS21 2DF

I object to this licence as applied for:

- 1) The premises are located adjacent to residential properties, there have already been instances of drinking on the street outside the house. The provision of covered external area means noise can propagate across the back gardens of others
- 2) The hours proposed are very excessive. The previous use as a pub limited to licencing hours. There is no need for a licence that goes beyond mod – morning through to 12pm, 24 hour coverage will only add to the disturbance potential
- 3) the planning permission was for a bunkhouse/rental cottage – not the use now proposed.

R Angus Hearmon

Tel

eMail

**spring lane, sedgefield TS21 2DF**

---

The information in this e-mail is confidential and for use by the addressee(s) only. It may contain legally privileged information. If you are not the intended recipient (or responsible for delivery of the message to the intended recipient) please delete the message from your computer: you may not copy or forward it, or use or disclose its contents to any other person. Thank you for your co-operation.

As internet communications are capable of data corruption no responsibility is accepted for changes made to this message after it was sent. In addition, no liability or responsibility is accepted for viruses and it is the recipients responsibility to scan attachments (if any).

**From:** Angus Hearmon  
**Sent:** 30 May 2017 19:05  
**To:** Yvonne Raine <Yvonne.Raine@durham.gov.uk>  
**Cc:**  
**Subject:** RE: Notice of Hearing - Durham House, 8 West End, Sedgfield

Thanks

Unfortunately I'm working in Manchester then so can't make it.

The only other information I'd draw to the committees notice (should it be deemed relevant) is the planning status of the property, I attach the planning record of the site showing change of use to holiday let.

That planning application states:

We feel that there is very little need for additional evening drinking/food options in Sedgfield. Most of the visitors visit during the day and the coffee shops are very popular. In terms of evening trade, the current licenced public houses are struggling to maintain business. The Nag's Head was a predominantly drinking establishment and according to the present owners, did for some time offer only Sunday lunches. The layout of the Nag's Head is such in that there are two bar areas and a windowless dining area at the back. There is no room to expand and include windows due to the property attached next door and the men's toilets on the other side. The kitchen is a galley style and is very small. It cannot adequately deal with mass catering in the style of a restaurant or bistro. Increasing the food side of the business is not an option and due to the lack of customers in Sedgfield, maintaining the public house as it is, is not viable as shown by the closing of the business by the present owners.

And

The applicants wish to change the use of the Nag's Head to a Holiday let. The insides will remain largely unchanged. The outside of the property will remain identical. In terms of traffic, the applicants envisage that there will be no extra traffic compared to a public house and would anticipate less traffic movement particularly late at night. There will be no adverse effect on the character or appearance of the public house. Indeed as a holiday let, it would fit in better with the current residential houses in the vicinity as there would be no disturbances at closing time when customers would have previously left the premises at 11pm

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**Property History**

100110714534 | Durham House 8 West End Sedgefield Stockton On Tees TS21 2BW

**Planning Applications (4)**

- [Change of use from Public House \(Class A4\) to self catering holiday accommodation](#)  
Ref. No: DM/16/00948/FPA | Status: Application Approved
- [CHANGE OF USE OF BUILDING FROM STORAGE TO 1 NO. HOLIDAY LET ACCOMMODATION OR PH MANAGERS ACCOMMODATION](#)  
Ref. No: 7/2003/0297/DM | Status: Application Approved
- [CHANGE OF USE FROM PUBLIC HOUSE \(CLASS A3\) TO MIXED USE OF PUBLIC HOUSE \(CLASS A3\) AND GUEST ACCOMMODATION \(CLASS C1\)](#)  
Ref. No: 7/1997/0383/DM | Status: Application Approved
- [Application for consent to display 2 fascia sign boards and erect one full lantern, one half lantern and one projecting pictorial sign](#)  
Ref. No: 7/1985/0624/DM | Status: Application Approved

**Planning Appeals (0)****Planning Enforcements (0)****Properties (0)****Building Control Applications (1)**

- [Conversion of Public House to Dwelling](#)  
Ref. No: BC/16/02397/RG | Status: Building Work Started

an idox  solution[Contact us](#) | [Legal info](#) | [Help](#)

**From:** Steve Nuttall :  
**Sent:** 29 April 2017 10:42  
**To:** Neighbourhood Services Licensing <[Licensing@durham.gov.uk](mailto:Licensing@durham.gov.uk)>  
**Subject:** Licence Application for Durham House 8 West End Sedgefield

I strongly object to the granting of an Alcohol licence at the above premises on 2 grounds.

The first and perhaps the most pertinent is that the owners have been selling alcohol on the premises since opening.  
They receive regular delivery of barrels of beer etc. I have seen this personally.  
Evidence of this can also be seen from clients comments below on the owners own Trip advisor site and indeed in their own advert "and even has its own bar area"

I am sure the owners will argue that alcohol was not sold, but I hardly think it will have be given away!  
I do believe that they are therefore already in breach of the licencing laws.

Secondly there is no control nor supervision by the owners and prospective licensees of the premises, over the sale of the alcohol ( underage drinking) nor and more importantly of the noise levels coming from the premises into the early hours of the morning.

This premise used to be a public house, however with landlord and land lady living on site and with them controlling sale of drink and also drinking hours, there was never any issue with noise or nuisance.

There have been several occasions where I have heard loud music into the early hours and closer neighbours have complained about the noise levels directly to clientele.  
I have also highlighted below some of the usage of the premises, Hen parties, Mates weekend etc which as we all know often turn raucous and ugly.  
This has already been the case.

For the above reasons I strongly object.

Steve Nuttall  
West End  
Sedgefield

## Durham House

Sedgefield, near Durham, County Durham  
Grade ★★★★★  
[View Map](#) [Add to Shortlist](#)



Select your date and duration:

---

Sleeps 22  
Bedrooms 8  
Bathrooms 5  
Pets 2

“New Year stay with the extended family in a fabulous converted pub”  
Reviewed 2 January 2017 for a stay in December 2016

This is a lovely family-friendly holiday house and easily accommodated our large extended family of 13 adults and 6 children. We particularly loved the bar, pool table and massive dining room. The location is great too and we enjoyed days out to Beamish, Durham and Hartlepool Marina. We all had a great New Year holiday!

“Fabulous family get together.”  
Reviewed 26 December 2016 for a stay in December 2016

As a family of 20 ,we needed a large place to accommodate our family.this was perfect,beautifully restored and very relaxing.we had our very own bar and everything we needed to cater for our meals.Xmas decorations were a lovely touch.

“Wonderful weekend!”  
Reviewed 4 weeks ago for a stay in March 2017

We had a great weekend here for my sister's hen do. Great location and lovely house. Ample space inside with lovely finishings and comfy beds. Every detail had been thought of meaning it was a very hassle free stay. Wouldn't hesitate to recommend!

“Great space for mates weekend”  
Reviewed 22 March 2017 for a stay in March 2017

Stopped March 10th-13th with some mates for a weekend away. Great location, situated near football golf, bars and other sights. Could not fault the service provided by all staff. The house was immaculate and the games room was a huge hit. Nice big bath and bar. Would recommend for anyone.Thanks for a great weekend.

Stayed here in March for my partners birthday with our friends. Had a great time loved the bar and pool table facilities. All the rooms were clean and decorated lovely- beds were comfortable!

Reviewed 26 February 2017 for a stay in February 2017

As a group of 18 we stayed here and it was just great. The house has everything you need as if you were at home but with a bar area it felt like we were in our own pub and made our own entertainment.

Durham House was everything we needed and much...”

other travellers have booked this property

## **Review of Stunning former pub complete with own bar.**

---

This property is part of our Welcome Cottages collection

**welcome**  
cottages

A carefully curated collection of properties that offer high quality, good value accommodation in great locations across the UK, Ireland, France and Italy

---

### **Description**

Just a short walk from the charming village of Sedgefield, this large holiday property is perfect for celebrations or family get togethers..

Situated in a superb location, just a short walk from the centre of the charming village of Sedgefield, and Durham House brim with character. Ideal for larger parties, Durham House is a spacious, comfortable former village inn, which has been restored to provide excellent accommodation for groups and families to enjoy. Located just a short walk up the road from , this beautiful 8 bedroom holiday property benefits from a large outdoor recreational area, a games room and even has its own bar with a pool table, perfect for reunions, celebrations and family gatherings.

West End  
Sedgefield  
TS21 2BS  
9<sup>th</sup> May 2017

Durham County Council  
PO Box 617,  
Durham DH1 9HZ

Dear Sir/Madam,

We are writing to object to the application by Lesley Dexter & Neil Edmenson, Durham House, Sedgefield, for the sale of alcohol 24 hours/day, 7 days a week and for ticketed events.

Since the property became self-catering holiday accommodation and started running as a business in Dec 2016 we have experienced considerable noise disturbance. Three particularly noisy occasions were a stag party (10-13<sup>th</sup> March 2017 ), teenage party ( 18<sup>th</sup> April 2017) and a 40<sup>th</sup> birthday party ( 22<sup>nd</sup> April). Of particular concern is the teenage party, this party was for the owners son's 17<sup>th</sup> birthday, and after the event , which had loud music playing until 3am, there were empty beer/cider cans and spirits bottles plainly visible outside at rear of the premises and indoors in the dining and recreational area. The party was held with the permission of his parents, the owners of Durham House, and we feel that these are not responsible people to have a licence to sell alcohol. There have been other noisy events but we did not record them at the time, not realising that the situation was going to escalate.

The owners have already indicated on Trip Adviser (reference page 5 of this letter) that they can supply alcohol and the reviews suggest that they have indeed provided kegs of beer, selling alcohol without a license ( reference page 4 of this letter).

When planning permission was granted for a change of use to self catering accommodation Policy H18 included a statement that ' the development proposal must not significantly harm the living conditions for nearby residents'. The development has had a major impact on local residents.:

- There is considerable noise outside when the crowd of residents from Durham House gather at the rear of the premises, the noise occurring day and night. When the premises was a public house there was very little disturbance since the was only a small area designated for smokers.

- Music is being played excessively loudly into the early hours, when it was a public house there were no issues with loud music.

The planning decision by Durham County Council took into consideration the comments from the Environmental Health Officer who stated 'The applicant has provided a robust management plan coupled with a holiday letting agreement which contains a number of controls to prevent and mitigate any potential noise from the holiday let business. Should these be fully implemented he considers the change of use unlikely to lead to a statutory nuisance'. These controls are not being fully implemented since there have been stag and hen parties, excessive noise and the development has had a major impact on local residents.

The Environmental Officer also stated that:

' The issue of nobody being on present on site to ensure consideration to neighbours or that the owners will be unaware of disturbance and unable to prevent it from happening, have also been raised. The applicants have also confirmed that they live close by and their telephone number will be provided to both guests and also local residents to report any issues. (Although it is appreciated that management plans and letting agreements can not be enforced through the planning system).'

When we were disturbed by the Stag Party and contacted the owner at their address they were not in and, although we left a message with their son, no action was taken. The owners cannot be available 24 hours/day, 7 days/week if there is an issue, and with no responsible person on the premises, further problems are inevitable, and I have a particular concern about Health & Safety. Granting permission to sell alcohol will encourage even more excessive alcohol consumption and will further impact on the serious issues that we already have with noise disturbance.

A key concern is the holding of events; the events specified (supper clubs and additional events ) could easily continue through the night with a disco after the meal, events could be held outside which could go on throughout the day and night. Without any restrictions, the events mentioned in the application could result in excessive alcohol consumption, noise and anti-social behaviour since alcohol could be sold 24hours/day. I am not aware of any premises in Sedgefield that have such an unrestricted licence to sell alcohol.

Should Durham County Council decide to approve the application to sell alcohol and hold ticket events we would ask that you place the following restrictions on the licence:

1. Restrict the ticketed events to the occupancy of the premises; this will ensure numbers are limited and reduce the impact for local residents.
2. A responsible, qualified person who can sell alcohol should be present at all ticketed events.
3. Restrict music to indoors and that the noise be limited, both by volume and time. The noise should also be monitored.
4. No marquees
5. No outdoor events.

6. Place appropriate time limits to sell alcohol to reduce anti-social behaviour and the impact on local residents.
7. Limit the number of events to be held, the owner said to us that she intends only monthly events, so I feel it is reasonable to limit the number of events per year to 12.
8. All residents of Durham House to move inside after 10.30pm

The major concern we have is the noise externally when the residents of Durham House congregate outside. It already has had a severe impact on our personal use of our own house and garden and the introduction of events will only make the situation worse. We have a bedroom and kitchen that overlook the rear of Durham House and the excessive noise that is being generated means that these rooms cannot be used when the residents from Durham House are outside. In addition, there have been times that we could not sit in our garden due to the excessive noise and foul language from the residents of Durham House. We unfortunately expect that all our weekends could be ruined unless some regulation is put in place.

We would like to point out that when the premises were a public house there were no noise issues since there was always a responsible person present and there were no events held outside or gatherings of noisy people outside.

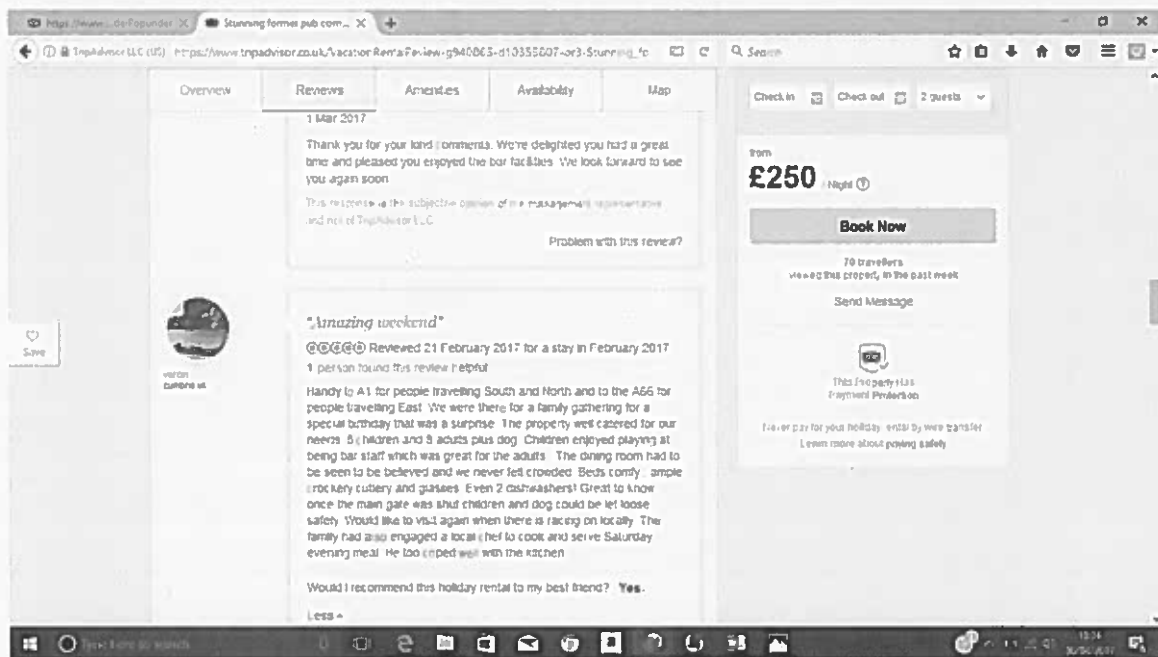
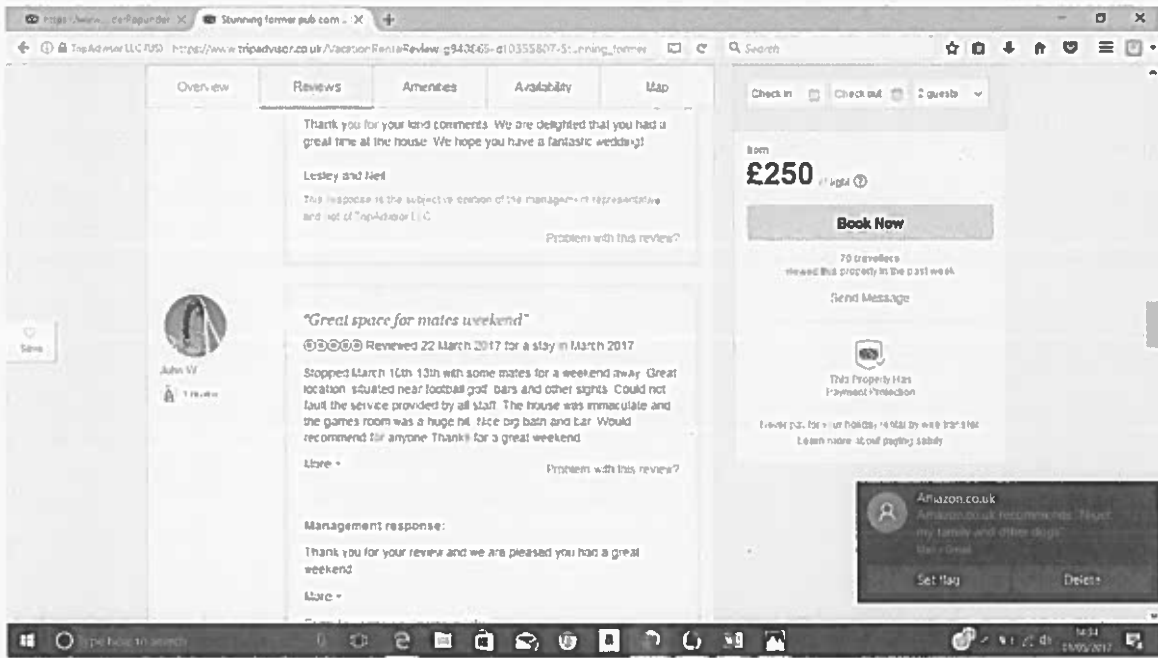
We hope you will take into consideration all the points raised in this letter and that you will refuse the application or at least defer the decision for 12 months to enable the current owners to demonstrate that they are responsible people who have consideration for the residents of Sedgfield.

Kind Regards,

Dr & Mrs Dentith

Attachments showing:

- 1) The stag party and comments promoting a place for a 'mates weekend'
- 2) Children serving behind the bar
- 3) The promotion on the owners Trip Adviser site offering to sell alcohol, clearly without a license.



The screenshot shows a web browser window displaying a TripAdvisor listing for a holiday rental property. The browser's address bar shows the URL: [https://www.tripadvisor.co.uk/VacationRentals/Reviews-g940865-d10355007-5t-new\\_g\\_former](https://www.tripadvisor.co.uk/VacationRentals/Reviews-g940865-d10355007-5t-new_g_former). The page has several tabs open, including 'New french Navy Tea...', 'Tactical Ed Byrne - Sp...', 'A weekend in Attract on...', 'DM - G.3042/FPA 1 C...', 'The Best Sedgefield Ho...', and 'Stunning former pub...'. The listing is for a 'Holiday Rental House' in Durham, England, with 0 bedrooms, 0 bathrooms, and sleeping 22 people. The price is listed as 'From £250 / Night'. A 'Book Now' button is prominently displayed. Below the button, it states '70 travellers viewed the property in the past week' and provides a 'Send Message' option. The property description highlights its recent renovation, location in a rural village, and amenities like a large dining area, a pool table, and a fully equipped kitchen. The Windows taskbar at the bottom shows the time as 18:12 on 28/04/2017.

**Overview**

**Holiday Rental House** · 0 Bedrooms · 0 Bathrooms, Sleeps 22

Sedgefield, Durham, England

Send to a friend

WE CAN OFFER ONE NIGHT AND WEEK PRICES. PLEASE CONTACT US FOR FURTHER INFORMATION

Recently and sympathetically renovated from a former public house, this property is ideal for families and groups of people looking for a base within a large rural village less than 100 yds from local shops, village pubs and restaurants. Stylish and comfortable, it boasts both traditional elegance and modern living, ensuring you have a relaxing stay.

For birthday parties and anniversaries or simply to catch up with old friends, Durham House simply provides the ideal setting within one fantastic space.

The ground floor consists of a large dining area with window seating. Seating for everyone ensures that there is ample opportunity to spend quality time together, whilst enjoying meals or playing games. Serve a pint at your very own Mag's Head bar, complete with pool table! We can provide legs of larger real ale and cider at an additional cost. A truly unique experience.

Adults can relax in the sitting room away from the kids, where folding doors lead out into an enclosed seating area complete with BBQ, comfortable seating and picnic tables. The kitchen is fully equipped with all expected mod-cons and is of adequate size to cater for larger groups. The two ovens and dishwasher ensure that cooking is simple and easy, giving you more time to chill with family and friends.

From **£250** / Night

**Book Now**

70 travellers viewed the property in the past week

Send Message

This Property Has Payment Protection

Not a fee for about 100 days rental by wire transfer. I can more about paying safely.

- 9 MAY 2017

CLOSE  
HARTLEPOOL  
TS26 0PE  
8 MAY 2017

DEAR SIR  
RE: DURHAM HOUSE, 8 WEST  
END, SEDGEFIELD

WITH REGARDS TO THE RECENT  
LICENSING APPLICATION IN RESPECT  
OF THE ABOVE PREMISES, WE  
WISH TO STRONGLY OBJECT TO  
THE GRANTING OF A 24 HOUR  
LICENCE (BOTH BY RESIDENTIAL  
AND TICKET ENTRY). MY WIFE  
AND I OWN WEST END WHICH  
IS SITUATED DIRECTLY OPPOSITE



THESE PREMISES. THIS AREA IS A  
QUIET, RESPECTABLE RESIDENTIAL  
AREA AND WE THINK THE LAST  
THING IT WOULD NEED IS A VENUE  
THAT HAS A 24 HOUR ALCOHOL  
LICENCE. THESE PREMISES ARE  
NEAR THE RACE COURSE AND IT  
DOESN'T NEED A GOOD  
IMAGINATION TO UNDERSTAND  
THE REVELRY ON RACE DAYS  
SHOULD THIS LICENCE BE  
GRANTED.

PLEASE ADDRESS ALL  
CORRESPONDENCE TO

CHOSE  
HARTLEPOOL, TS26 1 OPE.  
YOURS FAITHFULLY

(MR & MRS G. I. FERGUSON)

16 MAY 2017

CLOSE

HARTLEPOOL  
TS26 OPE  
14 MAY 2017

DEAR MADAM  
DURHAM HOUSE, 8 WEST END,  
SEDDINGFIELD, TS21 2BS  
PROMISES LICENCE APPLICATION

THANK YOU FOR YOUR LETTER  
OF 9<sup>TH</sup> MAY 2017. TO REITERATE,  
ON OUR LAST CORRESPONDENCE  
WE ARE OF THE OPINION  
THAT THE GRANTING OF A  
24 HOUR LICENCE OR INDEED  
ANY SIMILAR LICENCE TO THE  
ABOVE PREMISES WOULD BE A

HUGE STEP IN THE WRONG  
DIRECTION AS WE FEEL :-

- 1) CRIME AND DISORDERLY  
CONDUCT WOULD INCREASE
- 2) PUBLIC SAFETY WOULD BE  
PUT AT RISK (BOTH THE SAFETY  
OF LOCAL PEOPLE AND  
PATRONS OF THE ABOVE  
PREMISES BEARING IN MIND  
THEY ABOUT THE ROADWAY
- 3) PREVENTION OF PUBLIC  
NUISANCE - NORMAL  
DRINKING HOURS DO NOT  
BRING OUT THE BEST IN  
PEOPLE, LET ALONE EXTENDED  
HOURS
- 4) PROTECTION OF CHILDREN  
FROM HARM. THIS IS A  
2

QUIET RESIDENTIAL AREA  
OCCUPIED BY FAMILIES MANY  
OF WHOM HAVE YOUNG  
CHILDREN. DO WE WANT OUR  
CHILDREN TO BE SUBJECTED TO  
PEOPLE CONSUMING LARGE  
AMOUNTS OF ALCOHOL WHICH  
WOULD NO DOUBT BE THE  
CASE SHOULD THIS LICENCE  
BE GRANTED.

WE WOULD HOPE THAT COMMON  
SENSE PREVAILS AND THE  
LICENSING AUTHORITY LISTENS  
TO RESIDENTS CONCERNS AND  
REFUSES THIS OR ANY  
SIMILAR APPLICATION.

YOURS FAITHFULLY  
G I FERGUSON

3

G I FERGUSON

Rectory Row  
Sedgefield  
Co Durham  
TS21 2BL

8 May 2017

Durham County Council  
PO Box 617  
Durham  
DH1 9HZ

**To whom it may concern**

*Application for permission to sell alcohol to residential guests and at ticketed events over a 24 hour period Monday to Sunday inclusive at Durham House, 8 West End, Sedgefield TS21 2BS*

We are writing to raise objections to the above application. We reside nearby in a listed building (predominantly single-glazed) and have done so during the years when the above premises were used as a public house (The Nag's Head). We believe that the current proposal offends many of the issues raised in the original application to have the former public house converted into self-catering accommodation.

Over recent months we have had occasion to complain to the new owners about the noise disturbance created by occasional visitors. We did not formally monitor these at the time but will do so on any future occasion. However we received personal apologies from the owners concerning what even they regarded as unacceptable degrees of disturbance with assurances that such incidents were sporadic and unexpected and unlikely to recur.

This current application concerns us because it is likely to lead to increased levels of noise pollution and other forms of unacceptable social behavior to the detriment of ourselves and other neighbours.

In the original application for change of use considered by your Council on 22 March 2016 and subsequently approved, various conditional issues were raised particularly with regard to Policy H18 which stipulated that planning permissions must not significantly harm the living conditions for nearby residents. The Council believed that the applicant for change of use had 'provided a robust management plan coupled with a holiday letting agreement' which contained 'a number of controls to prevent and mitigate any potential noise from the holiday letting business.'

On the contrary. This plan and letting agreement has already given rise to concerns and to formal apologies from the current owners of the property because of the disturbances from music and outdoor activities over weekend

periods in excess of whatever occurred when the premises were used as a public house and subject to internal 'policing' by owners who lived on site. The current owners' personal premises are not near enough to control disturbances at the business over a 24-hour period. They can only respond after the event and without being personally affected.

This current application follows upon evidence that there have already been all male stag parties on the premises and the sale of alcohol without safeguards as to the age of consumers. It is not fanciful to suspect that by granting the current application there is every likelihood that noise and other disturbances will increase both inside and outside the premises when alcohol is more freely available. Moreover there is no certainty as matters stand that ticketed events would be restricted in number; that occupancy would be restricted to the extent suggested in the original change of use application; that a responsible qualified person would be present at such events; that music noise would or could be monitored by volume and time; that there would be any control over the kind of outdoor activity that might arise or that short-term residents would comply with any reasonable requests to move indoors and keep noise to a minimum in order to protect the living conditions of nearby residents.

Our lives have already been affected by the change of use of the premises from a public house to self-catering accommodation. We fear the worse in the immediate term if this current application is approved. The Council makes much of the uniqueness and quality of Sedgefield as a village and community within the County. It is incumbent upon the Council to preserve these qualities at a time when self-seeking profit making dominates so much of public discourse.

We raise these issues for the reasons outlined in the letter and also in an effort to counter the growing concern that it is pointless to complain. On the contrary. It is pointless having policy guidelines and planning restrictions in place if they cannot be challenged in the aftermath.

We hope that the Council will reject this current application.

Sincerely

Professor WR and Mrs GI Garside

Tel. 01740

17 MAY 2017

West End  
Sedgefield TS21 2BS

Dear Sir or Madam,

We are writing to object to the 24 hour license that Durham House in Sedgefield has applied for. We were told it was to be for self catering holiday apartments but in fact it is en-suite bedrooms.

There has already been a stag party that we know of with a lot of noise stopping us from sleeping and we have double glazing. What else in the future - a marquee in the car park for functions or here parties. We live in the conservation area of the village and have complied with rules and regulations of the council for 27 years of living here e.g. paying to have a tree cut down and only with permission - no double glazing until recently - told no composite front door but we had to paint the door we bought black and the rest white.

We have always enjoyed sitting in the quiet of our back garden but since Durham

House put a seating area in the car park it is very noisy and disrupts our peace and quiet and we should not have to listen to foul language especially when our grandchildren are here. Please refer to Policy H18 which when change of use was granted states "the development proposal must not significantly harm the living conditions for nearby residents."

My neighbour from across the road in no West End and I went around to Durham House on 18<sup>th</sup> April to complain. Apparently Mrs Edmundson had allowed her son and friends to have an unsupervised party with under-age drinking and very loud music until about 2.15 in the morning. I was tempted to call the police but didn't but we had no sleep hardly. They even lifted a table and chair outside onto the pavement. Mrs Edmundson apologized and eventually so did her son with a bunch of tulips but how do we know this is not going to happen again. Mrs daughter kept texting them to turn the music down but they ignored her.



The following weekend of 22nd April there was a family party which was very noisy and my neighbour at [redacted] went round in her pyjamas to tell them but she changed her mind as she was frightened. Mr. [redacted] in

[redacted] went around to complain then it did quieten down and they went inside. It's affecting lots of people all around us.

When it was The Magg Head Pub there was very little noise out the back of the premises and people left quietly. They had closing hours and they lived on the premises. Only once did the owner have music for his special birthday. The singer had a microphone and honestly the noise was horrendous and it might as well have been held in our bedroom. Just imagine if the new owners started entertainment then our lives would not be worth living and we'd all be putting our houses up for sale.

We like to see people's business thrive in the village but there is a limit as to how they do it.

Mr Edmondson gave us her phone no. after the events of the 1st April but it is not up to us to as residents to police this business. We all feel someone should be in attendance of the place, someone responsible and the owners live too far from their premises to be bothered themselves by any disruption.

Imagine during the summer when they all congregate in the outside space drinking and playing loud music and swearing!

The ticketed events planned are a good idea so long as they are limited to the occupancy amount allowed on the premises and they are quiet and go indoors by 10pm and keep the music right down.

When we were told in the beginning it was to be a self-catering apartments we were okay about that and our only concern then was if the guests didn't use the car park and took our parking outside our homes. The parking is already a nightmare where we live. The business has turned out to be different to what we were led to believe. They said they

wanted people having business meetings etc who would not be noisy through the day or night.

Please consider us residents who have to live here 24/7.

Yours sincerely,

Mr. Mrs T. Sims

CLOSE

MARTLEPOOL  
TS26 0SW

DEAR SIR / MADAM

18 MAY 2017

PLEASE NOTE I WISH TO OBJECT  
TO THE PREMISES LICENCE APPLICATION  
FOR DURHAM HOUSE, 8 WEST END  
SEDFIELD TS21 2BS.

I OWN WEST END SEDFIELD,  
TS21 2BW. MY TENNANT AND  
NEIGHBOURS HAVE ADVISED ME  
THAT EXCESSIVE NOISE IS COMING  
DURHAM HOUSE. THIS IS A  
RESIDENTIAL AREA OF THE VILLAGE  
AND GRANTING A 24 HOUR  
LICENCE IS NOT IN KEEPING  
WITH THE AREA.

I AM UNSURE WHAT THE  
TICKETED EVENTS ARE. ON RACE  
DAYS THE VILLAGE GETS

①

EXTREMELY BUSY AND HAVING  
A VEHICLE THAT SERVES ALCOHOL  
24-7 IS A RECIPE FOR  
DISASTER. PORNAM HOUSE IS  
ALSO SITUATED ON THE MAIN  
ROAD THROUGH THE VILLAGE.

IT IS ON THESE GROUNDS THAT  
I WOULD LIKE TO OBJECT.

PREVENTION OF CRIME AND DISORDER  
PUBLIC SAFETY

THE PREVENTION OF PUBLIC NUISANCE.

I HOPE THAT COMMON SENSE  
PREVAILS AND THE LICENSE IS  
NOT GRANTED. OTHERWISE I FEAR  
THAT THE POLICE WILL BE CALLED  
ON NUMEROUS OCCASIONS DUE  
TO DRUNK ROUDY INDIVIDUALS  
CAUSING DISORDER + NUISANCE  
OR EVEN WORSE SOMEONE  
IS INJURED OR EVEN KILLED

ON THE BUSY ROAD. I AWAIT  
YOUR RESPONSE.

YOURS FAITHFULLY

FRASER FEROUJON.

(2)

**From:**

**Sent:** 18 May 2017 19:33

**To:** Neighbourhood Services Licensing <Licensing@durham.gov.uk>

**Subject:** DURHAM HOUSE 24HR LICENCE APPLICATION COMPLAINT

LETTER OF OBJECTION FOR 24HR ALCOHOL LICENCE/7 DAYS A WEEK AT DURHAM HOUSE, SEDGEFIELD, STOCKTON ON TEES, CLEVELAND.

I am writing to you regarding the recent application request for Durham House to be given a 24-hour license to sell alcohol, to which I object for several reasons.

Firstly, 24 hour opening and an alcohol licence will draw unwelcome attention and increased footfall at unsociable hours to a residential and conservation area. For example, noise, public nuisance, anti-social behaviour, low-level nuisance (non-reportable crime Inc. shouting, swearing, urination in public, littering) will be increased. 24 hour opening times in a quiet, residential, conservation area will unnecessarily draw people from a wider area at unsociable hours, which will add to the additional draw of pedestrians and vehicles. Additional traffic, to an already busy junction and tight corner will have serious public safety implications. Durham House is surrounded by family homes in the heart of Sedgefield allowing this license would lower the tone of the area.

Although this application has only been requested recently, houses surrounding Durham House has already witnessed events which have caused upset and frustration in the area. On two occasions noise pollution and disorderly behaviour has taken place, an example of this is on the 18<sup>th</sup> March 2017 the owner of Durham House (Lesley Dexter) allowed her [redacted] who is 16 years old to host a party for friends without an adult to supervise. Underage drinking in Sedgefield is zero tolerance and not something to be promoting in a community. The party started late afternoon around 7 o'clock when we were disturbed by the loud music over ruling out television coming from Durham House. Several attempts were made to request the music to be turned down and so he did, however the music was turned back up around five minutes after, again after several attempts the music was still turned back up. On 8 occasions the request was made with no immediate action was taken, the loud music vibrated through my house through till the early hours of the morning, the music was turned off at 2.45am. The underage people at the party also opened the windows which are at foot path level and carried a table and chairs through the window and onto a public foot path on a main road. This could have caused damage to cars and made local people feel unsafe walking past late at night.

The second event hosted at Durham House following only four days after 22<sup>nd</sup> March 2017 which was a family 40<sup>th</sup> birthday party. Loud music echoed and vibrated through my house until 12 o'clock at night before finally being turned off. In addition to the noise pollution guests from the party also polluted the public footpath outside, people being sick outside on the street which is not something we want to promote in the local area. Durham House is not in the correct location to host loud parties as it is surrounded by family homes in a conservational area which causes noise pollution and attracts unwanted disorderly behaviour.

When planning permission was granted for the building it stated NO STAG or HEN party this has already taken place and is currently taking place with large groups spilling out of the premises and all the residents were supposed to be given a contact number to ring this has NOT taken place.

I also do not like looking at people in there night wear playing pool and drinking beer that has been pulled behind the bar with the low light in the front window shinning down I am currently trying to sell my house. When the house was a public house the windows were frosted and I was unable to see everything that is going on i.e. children swinging on the curtains the windows are very low to the ground. We have spent a lot of money restoring the house and keeping to the planning laws only to live over the round to a Party house every weekend.

With the summer days coming the noise will only be louder as guests are in the rear outside of the property and longer and this is not a place I want to live over the road from.

We have lived in this area for over 30 years and we have never experienced noise and public order problems, even when it was a public house.

When planning permission was granted for a change of use into self-catering accommodation, a statement that the development proposal "must not significantly harm the living conditions of nearby residents" we are already being affected and this is before a 24-hour alcohol licence!!!

As for the request for ticketed events, surely this should be restricted to remote venues such as the Hardwick hall, where noise is limited and away from the village.

Lisa spencer

west end,  
Sedgefield,  
Stockton on tees,  
Cleveland.TS212bw

PLEASE CAN YOU CONFIRM RECEIPT OF THIS COMPLAINT



e

West End

Sedgefield

TS21 2BS

17/05/2017

To whom it may concern,

We are writing this letter as notification of a formal objection to the application that has been made for Durham House, West End, Sedgefield, TS21 2BS, for the sale of alcohol 24 hours a day, seven days a week and ticketed events.

Since the property became self-catering holiday accommodation, we have already experienced a number of issues and antisocial behaviour. There have already been some very loud events/disturbances which have affected us including; a stag party, we believe this to be 10<sup>th</sup> – 13<sup>th</sup> May, there was also an event on 18<sup>th</sup> April and one on 22<sup>nd</sup> April. These are the only dates that we can identify as we noted these particular dates but there are others amongst what seems to be only a handful of booking so far. The worst was 18<sup>th</sup> April, we really do not appreciate our son being woken early evening or especially in the middle of the night. This is quite frankly not fair.

There is a clause in the wording of the change to the premises which states, there should be no male/stag parties, so why are 'stag doo's' happening? We would like to point out that hen parties can be just as raucous and in this day and age. We also feel that in this day and age with all the equal rights, just one gender shouldn't be banned in the first place but that's another point altogether.

While we haven't previously wanted to complain, the sale of alcohol 24 hours a day, 7 days a week, is of huge concern to us. Whether this be something that is recommended by DDC or not, we don't feel that the guest house has been managed effectively so far and, this 24-hour permission to sell alcohol is really worrying.

Another clause states that 'the development proposal must not significantly harm the living conditions for nearby residents'. Well, unfortunately, the noise really has harmed our living conditions.

We think it is important to mention that, in the early stages of the guest house opening, an informal chat took place with the owner about booking the premises ourselves. We were in no way opposed to this business opening, in fact quite the opposite. We supported it. From the outset, it seemed great care was taken with the property and it has been done up to a very high standard. We certainly did not anticipate these issues and, we are really upset by it all. We don't want our four-year-old to hear language like that in his own garden. There is a primary school just behind the premises, what would happen if the children there here this sort of thing whilst they are in the playground?

We did not expect raucous parties, loud music, bad language, bottle smashing (all also referenced by someone else on Facebook 05/05/2017 Sedgefield, Fishburn, Mordon, Bradbury, Thorpe Larches Voice). The loud music throughout the night is just thoughtless and is causing us a lot of stress.

The other problem is garden noise. We just didn't have that before. The instalment of a 'garden area' where a crowd of up to 20 + people can gather every day and potentially drink and have barbecues on one of the 2 installed, is going to be horrendous in the summer, we have already had problems and the weather hasn't been that great. At least it was just a car park before and the owner was on the premises at all times to monitor the noise.

We used to live 9 doors away from another pub in Sedgefield. It was a very busy pub. Our property backed onto the car park and the beer garden was not so far away. In the 10 years or so there, we never had this problem, ever!

We would like to point out that, West End is a conservation area. There are people (including us, with single paneled glass) and we both are freelancers and do a lot of work at home, the garden noise has already disturbed us. Any noise at weekends disturbs us, as one of us works weekends.

We would like to ask you, how you feel if a party of 20 + people could potentially be drinking in a garden one away from you, 24 hours a day, every single day of the week? How would you feel if you were being disturbed in the night? And, how would you feel if your children were playing in the garden and the background noise was expletives?

The 'ticket events' proposed (according for the Facebook post mentioned above) are going to be 'high end'. This business has not demonstrated anything much high end so far. We would have welcomed a supper club, in theory it sounds like a fantastic idea. We would have even attended one but we are not sure that we would want to be seated at a table where, as witnessed one afternoon. parties of people were running across it in trainers, throwing darts at each other.

We have been to knock on the owner's door to have a conversation about this but the owner was not in on the occasions visited. We do not have a telephone number for them (we have since found out that a telephone number should have been distributed to us all. Effectively, although set back, we are only 2 doors away from the premises). If the owner is not available, how can this problem be managed effectively? It can't, and hasn't. We are really disappointed that it has come to this. As stated above, it is so unexpected.

We haven't wanted to complain so far but the fear of this escalating with the sale of alcohol 24hours a day and ticketed events has prompted us to do so.

The problems highlighted above have led to great concerns if this application is accepted. With all the evidence given, should Durham County Council still decide to approve the application to sell alcohol and hold ticket events, we would ask that you at least place the following restrictions on the licence:

1. Restrict the ticketed events to the occupancy of the premises; this will ensure numbers are limited and at least mildly reduce the impact for local residents.
2. A responsible, qualified person who can sell alcohol should be present at all ticketed events, at all times.
3. Restrict music to indoors and any noise should be very much limited, both by volume and time. The noise should also be monitored.
4. No outdoor events.
5. Place appropriate time limits to sell alcohol to reduce anti-social behaviour and the impact on local residents.
6. All residents of Durham House to move indoors after 10pm and to keep the noise to an absolute minimum when in the outdoor space during the day.

Sincerely,

Mr and Mrs Anderson.

**APPENDIX 7 - RESPONSES FROM  
RESPONSIBLE AUTHORITIES**

## **Carol Graham - Licensing Assistant (N'hoods)**

---

**From:** Susan Gallimore  
**Sent:** 10 May 2017 17:14  
**To:** Carol Graham - Licensing Assistant (N'hoods); Neighbourhood Services Licensing  
**Subject:** RE: Licensing - new premises licence application received

Hello Carol,

Please note that I have investigated the noise complaint that was made about this property, interviewed the applicant and carried out research and my conclusion is that I have no adverse comments to make about the application.

Kind Regards,

Susan

**Susan Gallimore, DipLOA**  
**Senior Public Protection Officer**  
**Adult and Health Services**

T: 03000 267171

M:

E: [susan.gallimore@durham.gov.uk](mailto:susan.gallimore@durham.gov.uk)

Web [www.durham.gov.uk](http://www.durham.gov.uk)

Follow us on Twitter [@durhamcouncil](https://twitter.com/durhamcouncil)

Like us at [facebook.com/durhamcouncil](https://facebook.com/durhamcouncil)

## **Carol Graham - Licensing Assistant (N'hoods)**

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**From:** Daniel Darnton  
**Sent:** 24 April 2017 10:56  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Subject:** FW: Licensing - new premises licence application received  
**Attachments:** Durham House - new premises.pdf

Good Morning,

Durham Constabulary have no objections to the below application.

Thanks  
Dan

Daniel Darnton  
*Harm Reduction Unit*  
Meadowfield Office  
Darlington Office



**Durham Constabulary**  
Altogether Better Policing

**APPENDIX 8 – LETTER FROM CLLR ROBINSON  
AND RESPONSE**

White House Drive,  
Sedgefield,  
Co. Durham  
TS21 3BX

- 9 MAY 2017

3<sup>RD</sup> May 2017

Dear Colleague

**Re Durham House Alcohol Licence**

I have been approached by residents who live in the vicinity of the above house who have applied for an alcohol licence. They are not in favour of the application and have asked me to call in the application, on a similar line to planning. I am not sure if this is the approach. However, I formally as Ward Councillor request on their behalf that it be dealt with by member Committee as opposed to delegated.

I am therefore requesting an urgent meeting with the relevant case officer so that residents may put their concerns direct to the Council and at the same time be advised of the procedure you are undertaking and how they may request the Licence be dealt with via Committee as opposed to delegated power.

I look forward to your reply. A copy of this letter has been sent to the Chairman of Licencing Cllr. Carr so he is aware of my constituent's request.

~~Yours faithfully~~

Councillor John Robinson JP

cc: Head of Alcohol Licensing, DCC

c.c. Cllr. C.Carr, Chairman of Licensing.



Contact: Yvonne Raine  
Direct Tel: 03000 265256  
Fax:  
email: yvonne.raine@durham.gov.uk  
Your ref:  
Our ref: Licensing/YR



Councillor John Robinson  
White House Drive  
Sedgefield  
Co Durham  
TS21 3BX

12 May 2017

Dear Cllr Robinson

I write further to your letter dated 3<sup>rd</sup> May 2017 in relation to Durham House, 8 West End, Sedgefield. Please find below my response which I have also sent to you via e-mail.

With Licensing Act 2003 applications there is a different procedure/approach to that of Planning applications. A request cannot be made to ask that the determination of the application is dealt with via Committee. Written representations or objections have to be submitted to the Licensing Authority and if they are deemed relevant and are not withdrawn then the application will then be determined by the Council's Statutory Licensing Sub-Committee.

I can confirm that an application has been submitted for a Premises Licence under the Licensing Act 2003 to permit the sale of alcohol for consumption on the premises at Durham House, 8 West End, Sedgefield.

The applicants have applied for a licence to permit the sale of kegs of beer and/or lager for residential guests to consume whilst staying at the accommodation. These would be private groups of people and the premises would not be open to the general public. Due to the residential nature of the use of the premises, the licence application is for 24 hours each day.

The application also details potential use of the premises for Supper-Club nights and themed nights for which tickets would be sold. The application also mentions the potential use of the premises on Occasional themed days to coincide with village activities, eg. Medieval Fayre, and also for potential use of private functions which would include the use of a bar ran by staff at the premises.

When a premises licence application is submitted to the licensing authority, there then follows a 28 day consultation period during which time Responsible Authorities or any

**Continued.../2**

**Environment, Health & Consumer Protection**  
Durham County Council, Licensing Services, PO Box 617, Durham. DH1 9HZ  
Main Telephone 03000 261016

interested parties may make written representation to the licensing authority. The 28 day consultation period in relation to this application is due to end on 19<sup>th</sup> May 2017. Only relevant representations can be accepted and these are representations concerning the likely effect (upon the person making the representation) of the grant of the licence directly in relation to the four licensing objectives as defined by the Licensing Act 2003.

The four licensing objectives are:

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

Relevant representations must be submitted in writing and cannot be given verbally either at a meeting or by telephone. Any person who submits a written representation will be provided with full details in relation to the application determination process.

If no relevant representations are received during the 28 day consultation period, then the licence must be granted as applied for without the requirement for a licensing hearing.

However, I can confirm that in this case representations have already been received by the Licensing Authority in relation to this application.

If representations are received and cannot be resolved via mediation within the consultation period, then the application has to be determined by the Council's Statutory Licensing Sub-Committee within 20 working days of the consultation end date and a committee hearing will be arranged.

I attach a guidance document on making a representation and a copy of the Council's Statement of Licensing Policy for your information.

Should you or any residents wish to make a representation in relation to this application, I confirm that the deadline for the submission of relevant representations is 19<sup>th</sup> May 2017. This may be submitted either by e-mail or by letter.

If you require any further information or wish to discuss this matter further, please do not hesitate to contact me.

Yours faithfully,

Yvonne Raine  
Senior Licensing Officer

**Environment, Health & Consumer Protection**  
Durham County Council, Licensing Services, PO Box 617, Durham. DH1 9HZ  
Main Telephone 03000 261016

**APPENDIX 9 – STATEMENT OF  
LICENSING POLICY**

## **DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY**

### **7.0 The Prevention of Crime and Disorder**

7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.

7.2 As a matter of policy, the Licensing Authority will require 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 or in a smoking shelter.

7.3 The Licensing Authority recommends that all applicants 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. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit 14 television in certain premises should be considered by applicants, licensees and event organisers when addressing this issue.

7.4 The Licensing Authority encourages Personal Licence holders to actively participate in established "Pubwatch" schemes, where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "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.

7.5 The Licensing Authority recognises and promotes effective and responsible management of all licensed and authorised premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are considered to be among the most important control measures for the achievement of all Licensing Objectives. The Licensing Authority will take a positive view of anyone who invests in appropriate training, and in particular nationally accredited qualifications tailored to the Licensing sector. Training records should be kept available for inspection by all enforcement agencies.

7.6 The application for premises licence must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years.

7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or issues arising from the licensable activities offered on the premises with officers from

Licensing Authority and Police. The Licensing Authority 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 is 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.

7.8 The Licensing Authority 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 particular premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular 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.

7.9 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.

7.10 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 and hours of trading.

7.11 In addition to the requirement of the Licensing Authority to promote the Licensing Objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can do to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

7.12 Toughened/Safety Glass Policy: 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 to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

7.13 Drugs/Knives/Weapons: The Licensing Authority 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 within the premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer

Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority 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.

## **8.0 Public Safety**

8.1 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.

8.2 Applicants are advised to seek advice on such matters from the Council's Occupational Safety and Health team, Health and safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service, and incorporate any recommendations in their Operating Schedule before submitting their applications.

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

## **9.0 Prevention of Public Nuisance**

9.1 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 in the vicinity of the premises.

9.2 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 Licensing Authority 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.

9.3 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 local 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, appropriate signage requesting customers to consider local residents and monitoring of such areas by staff.

9.4 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 consents will often be required. Enquiries for such consents should be made to the Council's Highway's Section of the Regeneration and Economic Development Department. In predominantly commercial areas such as shopping centres the Licensing Authority, 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.

9.5 Applicants should give consideration to 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 Licensing Authority 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.

9.6 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.

9.7 Applicants are advised to seek advice from Durham County Councils Environmental Health Team and incorporate any recommendations in their Operating Schedule before submitting their applications.

9.8 Takeaways and fast-food outlets: The Licensing Authority 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 provide notices displayed advising customers of the location of bins and patrons should use the bins any provided.

## **10.0 Protection of Children from Harm**

10.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be

considered where it appears necessary to protect children from physical, moral or psychological harm and the effects of alcohol on parenting.

10.2 The Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:

- At any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
- Between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises
- The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.

10.3 The Licensing Authority may consider the following when dealing with a licence application where children may have limited access:

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

10.4 The Licensing Authority will work closely with the Police and the Council's Trading Standards service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17 year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25.

10.5 The Licensing Authority is aware of young persons' vulnerability to alcohol and events which are aimed at children under the age of 18 years on licensed premises will not be supported by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

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



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

10.8 The Licensing Authority commends the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.

10.9 Access to Cinemas: In the case of premises requiring an licence to show films, applicants should include in the operating schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

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

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

10.12 Children and Public Entertainment: Many children go to see and / or take part in an entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises.

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

10.14 With regard to this Licensing Objective, the Licensing Authority considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified as a result of premises, personal applications and all variations to licences are covered by this protocol.

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

**Appendix B. Framework Licensing Hours - recommended hours for the operation of licensable activities (the sale of alcohol and the provision of late night refreshment) for categories of licensed premises situated within the County of Durham.**

<b>Category of Premise</b>	<b>Weekdays (Sunday to Thursday)</b>	<b>Weekends (Friday night into Saturday morning and Saturday night into Sunday morning)</b>	<b>Bank Holidays</b>
For premises licences and club premises certificates authorising the sale or supply of alcohol for consumption on or off the premises	07.00 to 00.00	07.00 to 01.00	<p>Good Friday Plus 1 Hour</p> <p>For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>
For licences not including the sale or supply of alcohol	07.00 to 23.30	07.00 to 00.30	<p>Good Friday Plus 1 Hour</p> <p>For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>
For licences not including the sale or supply of alcohol (community centres, village halls)	07.00 to 00.00	07.00 to 01.00	<p>Good Friday Plus 1 Hour</p> <p>For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday</p>

			(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).
For licences authorising late night refreshment as the primary licensable activity (takeaways)	01.00	02.00	<p>Good Friday Plus 1 Hour</p> <p>For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>

**APPENDIX 10 –  
S182 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 a copy of any document checked as part of a 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 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire 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.

<sup>1</sup> S 177 of the 2003 Act now only applies to performances of dance.

## **Public nuisance**

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be



disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

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

## **Protection of children from harm**

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

premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - age restrictions (below 18);
  - restrictions or exclusions when certain activities are taking place;
  - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public

Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

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

### **Offences relating to the sale and supply of alcohol to children**

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

important that each of the enforcement arms should be aware of the warnings each of them has given.

**Table of relevant offences under the 2003 Act**

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