

Statutory Licensing Sub-Committee

19th December 2017

Application for the Grant of a Premises Licence



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

Name and Address of Premises: Spennymoor Town Football Club,
Brewery Field, Durham, Road,
Spennymoor, Co Durham DL16 6JN.

1. Summary

The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for:

Spennymoor Town Football Club Limited
Brewery Field
Durham Road
Spennymoor
Co Durham DL16 6JN

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 27th October 2017. A copy of the application is attached as Appendix 2.

The club currently hold a premises licence which is also attached for reference. It is the intention of the club to surrender the existing licence if the new premises licence is granted. See Attached Appendix 3.

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

The new application includes the ground, the playing pitch, main grandstand on two floors incorporating grandstands to left and right and standing facility within marquee facilities. Also toilet facilities situated around the ground. The following licensable activities and hours are requested:

Activities	Days & Hours Requested
Sale by retail of Alcohol (on and off sales)	Monday to Saturday 10:00 until 23:30 hrs, Sunday until 23:00 hrs. No alcohol will be permitted outside after 23:00 hrs Monday to Saturday and 22:30 hrs on a Sunday.

Regulated Entertainment including Live Music & Recorded Music Performance of Dance, anything of a similar description (Indoors & Outdoors)	Monday to Saturday 10:00 until 00:00 hrs, Sunday until 23:30 hrs. Outdoor activities will cease at 23:00 hrs Monday to Saturday and Sunday at 22:30 hrs.
Indoor Sporting Events	Monday to Saturday 10:00 until 00:00 hrs, Sunday until 23:30 hrs.
Late Night Refreshment (Indoors)	Monday to Saturday 23:00 until 00:00 hrs and Sunday until 23:30 hrs. (not outdoors)
Opening Hours	Monday to Sunday 10:00 hrs until 00:00 hrs

On 22nd November 2017, the applicant amended the application following mediation with Durham Constabulary and Durham Local Safeguarding Children Board to include additional conditions, see Appendix 4.

3. The Representations

The Licensing Authority received three letters of representation during the consultation period one from Environmental Health (Responsible Authority) and two from 'other persons' – Mr & Mrs Suffield and Mr Purvis.

The three representations relate to all of the four licensing objectives:

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

Copies of the representations are attached as Appendix 5.

The licensing authority have been informed by the Environmental Health Department that they have met with the applicant/solicitor to discuss a tailored noise management plan and additional conditions. Members will be informed of any updates from Environment Health at the meeting.

The licensing authority received a letter from County Durham & Darlington Fire and Rescue Service stating they had no representations to the application. There were no further comments from any of the Responsible Authorities.

4. Parties

The Parties to the hearing will be:

- Spennymoor Town Football Club Limited (Applicant)
- Mrs Debra Swinburn (Applicant's Solicitor)

- Mrs Gallimore, Durham County Council Environmental Health Department (Responsible Authority)
- Mr & Mrs Suffield (other persons)
- Mr Lee Purvis (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 Prevention of Crime and Disorder
- 8.0 Public Safety
- 9.0 Prevention of Public Nuisance
- 10.0 Protection of Children from Harm
- Appendix B - Framework Licensing Hours

Relevant information is attached as Appendix 6.

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 7.

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)

Contact: Karen Robson

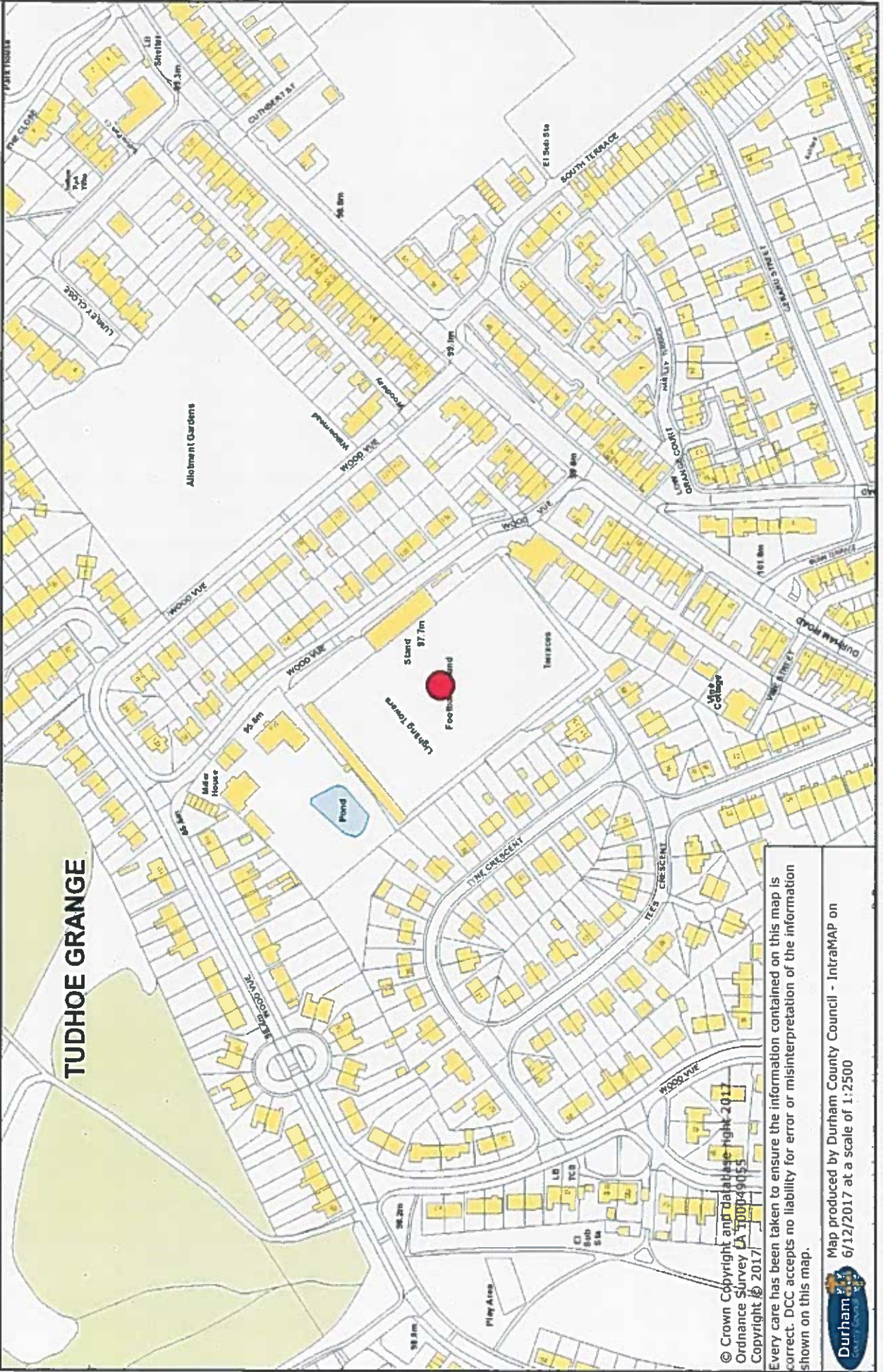
Tel: 03000 265104

Email: karen.robson2@durham.gov.uk

APPENDIX 1 – LOCATION PLAN

Durham County Council - IntraMAP

TUDHOE GRANGE



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Every care has been taken to ensure the information contained on this map is correct. DCC accepts no liability for error or misinterpretation of the information shown on this map.

Map produced by Durham County Council - IntraMAP on
 6/12/2017 at a scale of 1:2500



APPENDIX 2 – NEW PREMISES LICENCE APPLICATION FORM



* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently in Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="DAS.SC.17.463"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name	<input type="text" value="SPENNYMOOR TOWN FC LTD"/>	
* Family name	<input type="text"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text" value="01388814100"/>	Include country code.
Other telephone number	<input type="text"/>	

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

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

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

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

Registration number	<input type="text"/>	
Business name	<input type="text" value="SPENNYMOOR TOWN FC LTD"/>	If the applicant's business is registered, use its registered name.
VAT number	<input type="text"/>	Put "none" if the applicant is not registered for VAT.
Legal status	<input type="text" value="Private Limited Company"/>	

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

include country code.

Other telephone number

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

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

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

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

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 19

PREMISES DETAILS

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

Premises Address

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

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NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

PRIVATE LIMITED COMPANY

Address

Building number or name
Street
District
City or town
County or administrative area
Postcode
Country

Contact Details

E-mail
Telephone number
Other telephone number

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OPERATING SCHEDULE

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

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

Provide a general description of the premises

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.

THE GROUND INCLUDES A PLAYING PITCH, MAIN GRANDSTAND ON TWO FLOORS INCORPORATING GRANDSTANDS TO LEFT AND RIGHT AND STANDING FACILITY WITH MARQUEE FACILITIES. THERE ARE ALSO TOILET FACILITIES SITUATED AROUND THE GROUND.

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

Continued from previous page...

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PROVISION OF PLAYS

Will you be providing plays?

Yes No

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PROVISION OF FILMS

Will you be providing films?

Yes No

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PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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

Continued from previous page...

SUNDAY

Start

End

Start

End

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

State any seasonal variations for indoor sporting events

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

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

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

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes No

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PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start 10:00

End 00:00

Start

End

THURSDAY

Start 10:00

End 00:00

Start

End

FRIDAY

Start 10:00

End 00:00

Start

End

SATURDAY

Start 10:00

End 00:00

Start

End

SUNDAY

Start 10:00

End 23:30

Start

End

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

Indoors

Outdoors

Both

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

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

Live music will not be played outside after 23.00 Monday to Saturday and after 22.30 on Sunday.

State any seasonal variations for the performance of live music

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

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

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

Live music will not be played outside after 23.00 Monday to Saturday and after 22.30 on Sunday.

Continued from previous page...

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PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes No

Standard Days And Timings

MONDAY

Start 10:00

End 00:00

Start

End

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

TUESDAY

Start 10:00

End 00:00

Start

End

WEDNESDAY

Start 10:00

End 00:00

Start

End

THURSDAY

Start 10:00

End 00:00

Start

End

FRIDAY

Start 10:00

End 00:00

Start

End

SATURDAY

Start 10:00

End 00:00

Start

End

SUNDAY

Start 10:00

End 23:30

Start

End

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

Indoors Outdoors Both

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

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

Recorded music will not be played outside after 23.00 Monday to Saturday and after 22.30 on Sunday.

Continued from previous page...

State any seasonal variations for playing recorded music

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

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

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

Recorded music will not be played outside after 23.00 Monday to Saturday and after 22.30 on Sunday.

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PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

Indoors Outdoors Both

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

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

Performance of dance will not be permitted outside after 23.00 Monday to Saturday and after 22.30 on Sunday.

State any seasonal variations for the performance of dance

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

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

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

Performance of dance will not be permitted outside after 23.00 Monday to Saturday and after 22.30 on Sunday.

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

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

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start End

Start End

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Give a description of the type of entertainment that will be provided

Will this entertainment take place indoors or outdoors or both?

Indoors Outdoors Both

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

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

Other activities will not be permitted outside after 23.00 Monday to Saturday and after 22.30 on Sunday.

State any seasonal variations for entertainment

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

Continued from previous page...

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

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

Other activities will not be permitted outside after 23.00 Monday to Saturday and after 22.30 on Sunday.

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors Outdoors Both

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

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

Late night refreshments will not be permitted outside.

State any seasonal variations

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

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

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

Late night refreshments will not be permitted outside .

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

Supply of alcohol will not be permitted outside after 23:00 Monday to Saturday and after 22:30 on Sunday.

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

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

Supply of alcohol will not be permitted outside after 23:00 Monday to Saturday and after 22:30 on Sunday.

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

Continued from previous page...

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

Continued from previous page...

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LICENSING OBJECTIVES

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

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

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

- FULLY TRAINED STAFF WHO WILL PROMOTE MEASURES TO SUPPORT ALL LICENSING OBJECTIVES
- POLICIES AND PROCEDURES IN PLACE TO ENSURE SAFETY OF ALL PATRONS AND INTERESTED PARTIES
- MAINTAINED PROPERTY, INSIDE AND OUT, INCLUDING RELEVANT SIGNAGE AND LITTER BINS TO PROMOTE ALL LICENSING OBJECTIVES
- APPLICANTS WILLINGNESS TO CO-OPERATE WITH ALL INTERESTED PARTIES TO PROMOTE LICENSING OBJECTIVES

b) The prevention of crime and disorder

- EVIDENCE OF AGE IDENTIFICATION PROCEDURES IN OPERATION - SUPPORT OF CHALLENGE 25 POLICY
- FULLY TRAINED BAR STAFF EMPLOYED TO ENSURE SAFETY AND DISCOURAGE ANTI SOCIAL BEHAVIOUR
- ALL STAFF WILL BE TRAINED IN RESPONSIBLE SERVICE
- RISK ASSESSMENTS AND TRAINING PROCEDURES TO PREVENT USE OR SUPPLY OF ILLEGAL DRUGS
- APPLICANT WILLING TO PARTICIPATE IN PUBWATCH SCHEME
- STRONG LINKS WITH LOCAL COMMUNITY

c) Public safety

- FULLY TRAINED BAR STAFF WILL BE EMPLOYED
- CONTROL ON NUMBER OF PATRONS
- RISK ASSESSMENTS AND TRAINING PROCEDURES WILL BE OPERATED TO MONITOR PHYSICAL STATE OF BUILDING AND OUTSIDE AREAS
- STAFF TRAINED IN FIRST AID
- ELECTRICAL AND FIRE SAFETY MONITORED WITH ELECTRICAL CHECKS AND FIRE EQUIPMENT IN PLACE

d) The prevention of public nuisance

- PROVISIONS OF LITTER BINS AND ASHTRAYS OUTSIDE
- ADEQUATE CAR PARKING, BUS STOPS AND TAXIS AVAILABLE IN THE AREA
- ADEQUATE LEVEL OF LIGHTING OUTSIDE
- APPLICANT WILLING TO PARTICIPATE IN PUBWATCH SCHEME
- PROVISIONS FOR SIGNS TO REMIND CUSTOMERS TO LEAVE QUIETLY

e) The protection of children from harm

- FULLY TRAINED STAFF WITH KNOWLEDGE OF LICENSING OBJECTIVES AND PROVISIONS
- BAR STAFF TRAINED IN RESPONSIBLE SERVICE AND EVIDENCE OF AGES IDENTIFICATION PROCEDURES IN OPERATION - SUPPORT OF CHALLENGE 25 POLICY.

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PAYMENT DETAILS

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

Premises Licence Fees are determined by the non domestic rateable value of the premises.

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

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

Continued from previous page...

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

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

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

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

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

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

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

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

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

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

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/county-durham/apply-1> to upload this file and continue with your application.

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

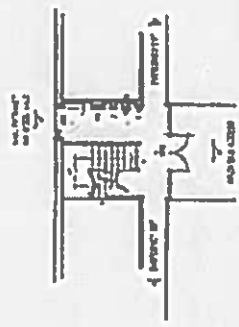
IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

DO NOT SCALE. All dimensions must be checked on site.

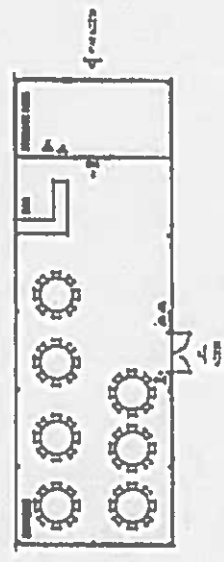


- NOTES**
- 1. UNMOUNTED FIREFIGHTING UNIT SHALL BE LOCATED EMERGENCY EXIT DOOR.
 - 2. EMERGENCY LIGHT MOUNTED ABOVE FIRE EXIT DOOR.
 - 3. FIRE ALARM CALL INDICATOR POINT.
 - 4. WALLS FIRE ALARM PANEL.
 - 5. HANDMOUNTED EMERGENCY LIGHTS SHALL BE MOUNTED AT POINTS.
 - 6. FIRE ALARM SOUNDING BELL MOUNTED AT POINTS.
 - 7. EMERGENCY EXIT POINT.
 - 8. WALL MOUNTED FIRE DETECTOR, 3. MET. CEILING.
 - 9. WALL MOUNTED FIRE DETECTOR, 2.4 MET. CEILING SOUND.
 - 10. WALL MOUNTED FIRE DETECTOR, 2.4 MET. CEILING SPRAY.
 - 11. FIRE ALARM.
 - 12. WALL MOUNTED FIRE ALARM SOUNDER.


**NORTH WEST SOUND
FIRST FLOOR PLAN - SCALE 1:400**



**NORTH WEST SOUND
FIRE ALARM DETECTOR PLAN - SCALE 1:400**



MACHINE ROOM PLAN - SCALE 1:400

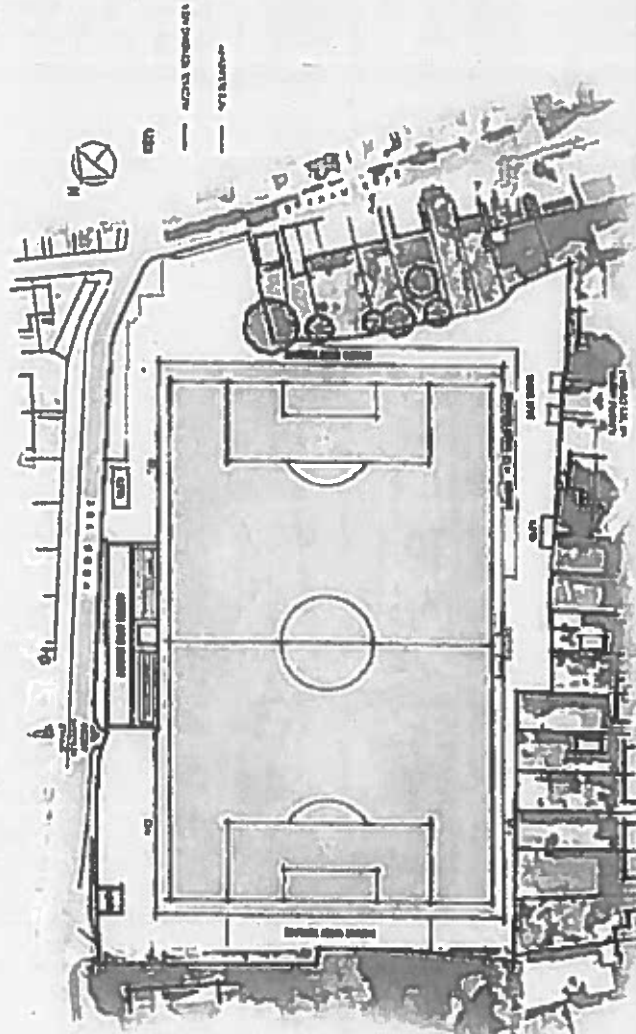
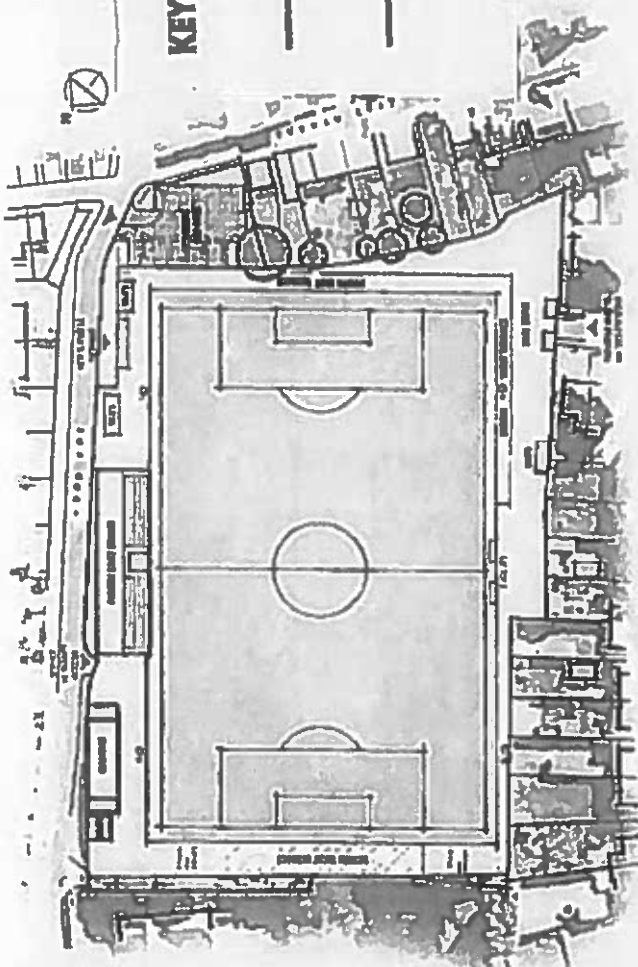
 <p>Harkin Associates Design Architects Ltd.</p> <p>1000 WEST 10TH AVENUE, SUITE 100 VANCOUVER, BC V6H 2G6 TEL: 604-271-1111 WWW.HARKINASSOCIATES.COM</p>	
Client:	STANLEY BORN, LLC
Job Title:	PROPOSED FLOOR PLANS
Project Location:	1000 WEST 10TH AVENUE, SUITE 100 VANCOUVER, BC V6H 2G6
Project No.:	17-1381-01
Scale:	As Shown
Drawn:	J. BROWN
Checked:	P. J. BROWN
Date:	NOV 14, 2017
Sheet No.:	2 of 2

DESIGNED TO BE READ IN CONJUNCTION WITH
DSS NO. 17-1381-01 PROPOSED LICENSING PLAN

DO NOT SCALE. All dimensions must be photocopied on site.

1. ALL DIMENSIONS SHALL BE IN FEET AND INCHES. 2. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED. 3. ALL DIMENSIONS SHALL BE TO THE EXTERIOR UNLESS OTHERWISE NOTED. 4. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED. 5. ALL DIMENSIONS SHALL BE TO THE EXTERIOR UNLESS OTHERWISE NOTED.	 HarkinAssociates Design/Architecture 1000 N. W. 10th St., Suite 100 Ft. Lauderdale, FL 33304 Phone: (954) 561-1111 Fax: (954) 561-1112	Client: STANLEY Q&P C Jan 19th PROJECT: STANLEY Q&P C 2700 N.W. 10th St. FT. LAUDERDALE, FL 33304 DRAWING NO.: 17-1308-01 Drawing Title: EXISTING & PROPOSED LICENSING PLAN	Scale: Date: Sheet: Checked: 1/2008 01/21/2008 2/11/08 MFB	Drawing No.: 17-1308-01 Rev: 01
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KEY:
 ——— ALCOHOL LICENSING AREA
 ——— SITE BOUNDARY



DRAWING TO BE READ IN CONNECTION WITH
 888 INC. 17-1308-01 PROPOSED FLOOR PLANS

APPENDIX 3 – CURRENT PREMISES LICENCE



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

SBCDL16PRM0299
21 February 2006
27 July 2017

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>SPENNYMOOR TOWN FOOTBALL CLUB BREWERY FIELD DURHAM ROAD SPENNYMOOR DL16 6JN</p>	<p>DURHAM COUNTY COUNCIL ADULT AND HEALTH SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
<p>Telephone number:</p>	

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

<p>Licensable activities authorised by this licence Indoor Sporting Events Live Music Recorded Music Other Entertainment Similar to Live or Rec Music or Dance Performance Late Night Refreshment Sale by retail of alcohol</p>

Opening Hours of the Premises		
Mon	10:00-00:00	<p>Non-standard/seasonal timings New Year's Eve: 10:00 - 01:00 on New Year's Day.</p>
Tue	10:00-00:00	
Wed	10:00-00:00	
Thu	10:00-00:00	
Fri	10:00-00:00	
Sat	10:00-00:00	
Sun	11:00-00:00	

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

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

<p>Indoor Sporting Events</p> <p>Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 12:00-23:30</p>	<p>Further details N/A Non-standard/seasonal timings N/A</p>
<p>Live Music Indoors</p> <p>Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 12:00-23:30</p>	<p>Further details N/A Non-standard/seasonal timings N/A</p>
<p>Recorded Music Indoors</p> <p>Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 12:00-23:30</p>	<p>Further details N/A Non-standard/seasonal timings N/A</p>
<p>Other Entertainment Similar to Live or Rec Music or Dance Performance Indoors</p> <p>Mon 11:00-00:00 Tue 11:00-00:00 Wed 11:00-00:00 Thu 11:00-00:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 12:00-23:30</p>	<p>Further details N/A Non-standard/seasonal timings N/A</p>
<p>Late Night Refreshment Indoors</p> <p>Mon 23:00-00:00 Tue 23:00-00:00 Wed 23:00-00:00 Thu 23:00-00:00 Fri 23:00-00:00 Sat 23:00-00:00 Sun 23:00-23:30</p>	<p>Further details N/A Non-standard/seasonal timings N/A</p>

Sale by retail of alcohol		Further details
Mon	11:00-23:40	Non-standard/seasonal timings New Year's Eve: 11:00 - 00:40 on New Year's Day.
Tue	11:00-23:40	
Wed	11:00-23:40	
Thu	11:00-23:40	
Fri	11:00-23:40	
Sat	11:00-23:40	
Sun	12:00-23:40	

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
SPENNYMOOR TOWN FOOTBALL CLUB DURHAM ROAD SPENNYMOOR DL16 6JN	
Registered number of holder, for example company number, charity number (where applicable)	
Company no:	N/A
Charity no:	N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol
MR IAN EDWARD HUBBARD

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol

Annex 1 – Mandatory conditions

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol -

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Price of Alcohol:

1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition:

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

None

Prevention of Crime & Disorder

The club has strong close links with the community and strives to ensure that the sale of alcohol from the premises does not add to any local problems of anti social behaviour.

The club will ensure that alcohol will only be sold during indicated hours of business and not to persons who are intoxicated.

Staff will be aware of the responsibility to recognise and prevent the misuse of drugs on the premises.

Public Safety

The entrance and staircase will be kept unobstructed and free from tripping hazards at all times.

Current legislation regarding fire safety is considered and judged to be satisfactory.

Prevention of Public Nuisance

Close consideration has been given to the effects of cheap drinks promotions and alcohol will not be offered at such a discounted level that it encourages binge drinking and drunkenness or a public nuisance.

At the terminal hour the club will encourage persons to leave the premises and travel home in a quiet and orderly manner.

Protection of Children from Harm

Only persons over 18 years of age will be supplied with alcohol.

The Licensing Act allows for children on the premises, but in the club children will not be encouraged and allowed unless attending a function with a supervising parent. All children at such a function would be requested to leave the premises by 21:00.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

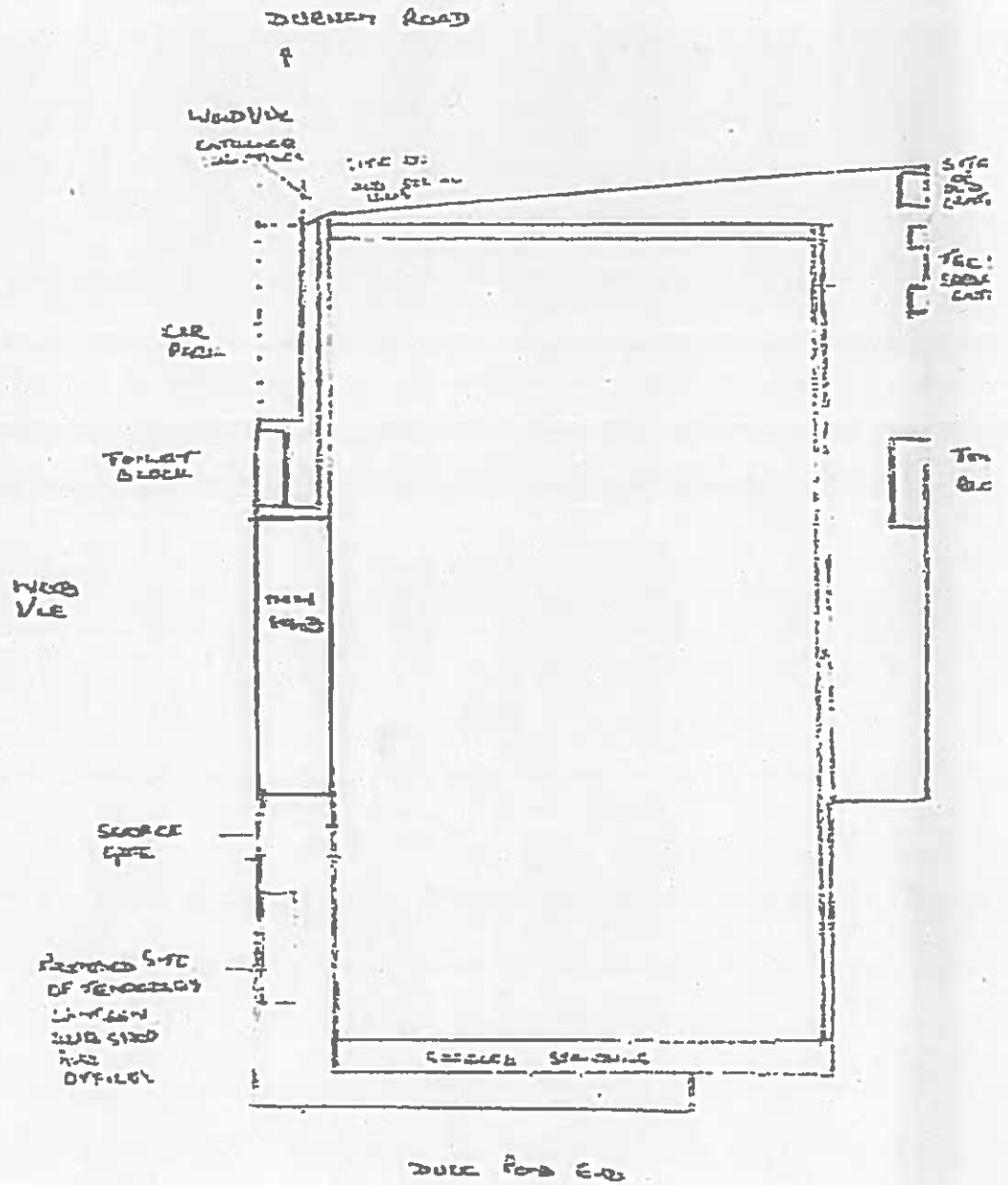
Annex 4 – Plans attached

Attached

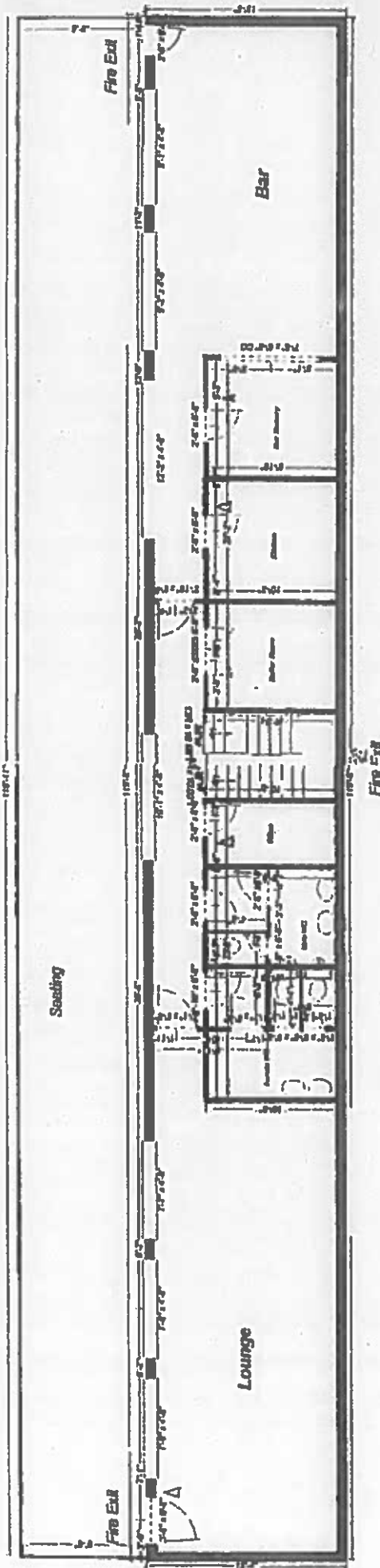
Signature of Authorised Officer
Head of Environment, Health and Consumer Protection

SPENNY MOOR TOWN P.C. SITE PLAN

Scale 1:1000



SPENNYMOOR TOWN FC
The Brewery Field, Wood Vue,
DL16 6JN
Main Stand 1st Floor Layout



Plan Scale 1:50

△ FIRE SAFETY EQUIPMENT

**APPENDIX 4 – MEDIATION WITH DURHAM CONSTABULARY –
ADDITIONAL CONDITIONS**

Karen Robson

From: Rebecca Jordan
Sent: 22 November 2017 12:17
To: Karen Robson
Cc: karen.robson@durham.pnpolicia.uk
Subject: Re: Spennymoor Town FC licensing application
Attachments: Conditions 7.11.2017.docx

Dear Karen,

With regard to the above client, we received a list of conditions from Michelle Williamson from the Harm Reduction Unit by email on 07 November 2017. I can confirm that our client is agreeable to these conditions being included within the premises licence application. I have attached a copy the conditions received for you kind attention.

Should you have any queries, please do not hesitate to contact me.

Kind regards

Rebecca Jordan
Trainee Solicitor

Please note I am available in the office on Wednesdays, Thursdays and Fridays. Should you need to contact me on a Monday or Tuesday, please contact the office and a member of staff will be able to help you.

The information in this e-mail is intended only for the named recipient and may be privileged or confidential. If you are not the intended recipient please notify us immediately and do not copy, distribute or take action based on this e-mail. If this e-mail is marked "personal" Evans & Co Solicitors is not liable in any way for its content.

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33 Cheapside
Spennymoor
Co Durham
DL16 6QF

Operating Schedule

B) The Prevention of crime & disorder

Initial staff training to be carried out by DPS or approved member of staff to ensure no alcohol is sold to anyone underage and refresher training to be carried out every 6 months.

Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.

CCTV will be fully installed and working within 6 months of the licence being granted. It will be provided in the form of a recordable system, capable of providing pictures of evidential quality.

Cameras shall encompass the inside and outside of all entrances and exits to the clubhouse / permanent buildings and all areas where the sale / supply of alcohol occurs.

Equipment must be maintained in good working order, be correctly times and date stamped and kept for a period of 28 days.

The Premise Licence Holder must ensure at all times the DPS or appointed member of staff is capable and competent at viewing the CCTV and downloading the footage onto a disc, hard drive or memory stick when requested to do so by the police / local authority.

The recording equipment and discs / memory sticks shall be kept in a secure environment under the control of the DPS or other responsible named individual.

An operational monthly log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

If Door Supervisors are used an operational daily log must be kept documenting door supervisor information. This is to include full name, date of birth, full badge number, contact phone number, security companies name and start and finish times.

No glass bottles / containers to be taken outside, all will be decanted into plastic glasses.

C) Public Safety

Fire exits and fire equipment clearly marked.

All staff must be aware of requirements regarding health and safety.

First aid facilities will be available.

An incident log will be kept at all times.

E) The Protection of Children from Harm

A proof of age policy in place for people under 25 years of age via the Challenge 25 scheme.

The only forms of identification we will accept are a passport, a photo driving licence and 'PASS' hologram I.D.

A refusal register will be kept and endorsed after every sale refused, this is to include over 18's purchasing alcohol and passing it to under 18's (proxysales)

APPENDIX 4 – MEDIATION WITH LOCAL SAFEGUARDING CHILDREN BOARD

Karen Robson

From: Rebecca Jordan
Sent:
To: Sean Barry
Cc: Karen Robson;
Subject: Re: New Premises Licence - Spennymoor Town FC, The Brewery Field, Durham Road, Spennymoor

Dear Sean,

Further to your email of 02 November 2017 in relation to the above application, We confirm that our clients are agreeable to the proposed wording you have suggested in your email to be added to the application for a premises licence.

Kind regards,

*Rebecca Jordan
Trainee Solicitor*

Please note I am available in the office on Wednesdays, Thursdays and Fridays. Should you need to contact me on a Monday or Tuesday, please contact the office and a member of staff will be able to help you.

The information in this e-mail is intended only for the named recipient and may be privileged or confidential. If you are not the intended recipient please notify us immediately and do not copy, distribute or take action based on this e-mail. If this e-mail is marked "personal" Evans & Co Solicitors is not liable in any way for its content.

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33 Cheapside
Spennymoor
Co Durham
DL16 6QF

CYBERCRIME ALERT

Please be aware that there is a significant risk posed by cyber fraud in the transfer of funds.
PLEASE NOTE: our bank account details WILL NOT change during the course of any transaction.

From: Sean Barry

Cc: Neighbourhood Services Licensing <Licensing@durham.gov.uk>

Subject: New premises licence application received Spennymoor Town FC, The Brewery Field, Durham Road, Spennymoor, Durham DL16 6JN

FAO Diane Swinburn

Good Morning Diane,

I represent the Durham Local Safeguarding Children Board (LSCB) which is a responsible authority under the licensing act. I have received a copy of your application for a premises licence for your premises at Spennymoor Town FC, The Brewery Field, Durham Road, Spennymoor, Durham DL16 6JN

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

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I have only one query in relation to training. The text within the licensing objectives does not indicate the frequency of training provide to staff. I consider this to be important so that long servicing staff are not just trained once and refresher training can be evidenced. I'm sure this is already in place and would like to see its inclusion in the application.

I have included some proposed wording below:

- 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.

The purpose of this email is to make the LSCB representations to you and for you to consider these suggestions.

Next Steps – You need to consider the representations I have made.

If you are happy for the recommendations to be included in your application please confirm so by replying to me and the Licensing Section Licensing@durham.gov.uk

These recommendations will then be included it in your application, the matter is deemed resolved and your application would progress.

The Durham Local Safeguarding Children Board are concerned about the availability of alcohol to children and encourage licensees to work with us in introducing steps, like those above in an attempt to safeguard children. I consider these steps are proportionate and have proven to be successful when implemented in similar applications.

Please don't hesitate to contact me if you require further information.

My Ref: SB/2017/105

Regards

APPENDIX 5 – REPRESENTATION FROM ENVIRONMENTAL HEALTH

Karen Robson

From: Susan Gallimore
Sent: 24 November 2017 14:22
To: Karen Baker; Karen Robson
Cc: Richard Wormald; Graydon Martin; Helen Robson
Subject: RE: Licensing NEW Premises licence application received - Spennymoor Town FC
The Brewery Field Spennymoor Durham DL16 6JN

Hello Karen,

I wish to submit a representation against the granting of the premises licence application Ref. No. DAS.SC.17.463 on the grounds of the prevention of public nuisance for the following reasons:

The application for the premises licence requests outdoor recorded and live entertainment between 10.00 – 23.00 Monday to Saturday and 10.00 to 22.30 on a Sunday and due to the proximity of residential properties we have concerns about the impact such activities will have upon residents.

The applicant has failed to provide a noise management plan to demonstrate compliance with the 'Code of Practice on Environmental Noise Control at Concerts'.

Kind Regards,

Susan Gallimore, DipIOA
Senior Public Protection Officer
Adult and Health Services

APPENDIX 5 – REPRESENTATION FROM MR & MRS SUFFIELD

Karen Robson

From: Neighbourhood Services Licensing
Sent: 06 December 2017 12:12
To: Karen Robson
Subject: FW: Spennymoor Town Football Club
Attachments: photo.jpeg; photo.png

Yvonne Raine
Senior Licensing Officer
Adult and Health Services

T: 03000 265256 (Direct Line)
T: 03000 261016 (General Licensing Number)
E: yvonne.raine@durham.gov.uk

Web: www.durham.gov.uk
Follow us on Twitter @durhamcouncil
Like us at facebook.com/durhamcouncil

From: George Suffield
Sent: 08 November 2017 08:51
To: Neighbourhood Services Licensing <Licensing@durham.gov.uk>; Richard Wormald
Subject: Spennymoor Town Football Club

Dear Sir/Madam

I would like to request a full copy of the application for a new and existing premises license for Spennymoor Town Football Club. I would also like a list of all TENs that have been granted to the club.

I cannot believe that you are even considering this as the Club have just been approved planning permission for the marquee which stated it was only for a corporate marquee area yet they are now applying for a license to allow them to play live and recorded music until midnight in the middle of a housing estate surrounded by old people's bungalows and residential family homes is unbelievable. There must be good soundproofing in the marquee as there are concerns about noise without this new application.

We still have supporters congregating against our fence looking directly into our garden see pictures attached. Also the match on the 28th October had no

We have serious concerns about this application.

Thank You

George Suffield
Vine Street
Spennymoor
County Durham
DT16 6HJ





Vine Street
Spennymoor
County Durham
DL16 6JL

23 November 2017

Dear Sir

REF: Spennymoor Town Football Club Premises Licence

We fully object to the granting of this licence.

With respect to the above, we are appalled that this can be considered. The area is surrounded by residential properties, with a high percentage of elderly residents and families with young children.

Recently the Football Club have been granted planning permission allowing them to have a marquee, kiosk/bar and catering trailer to be used on match days only. It was noted in the agreement that permission was granted due to minimal disruption to residents. We feel that for us it isn't minimal but if such an application is granted this will certainly not be minimal.

Potential noise and nuisance will impact throughout any live events and this could occur throughout the day and night. Having young children means that bedtimes are disrupted and playing in the garden that leads on to the ground will make them feel unsafe in their normally safe & stable environment. Local Safeguarding Children Board should have been contacted and recommendations incorporated into the operating Schedule, has this been completed and can further details be provided as this should consider both those attending the event and residents. Durham County Council Licensing Act 2003, point 10 considers the protection of children from harm, the current position of the catering trailer is situated close to the bar in the new fan zone area and unaccompanied children enter the area to buy food which could potentially put them at risk.

Elderly residents already feel anxious on match days, there is also difficulty with parking and if there are all day events this will hinder parking and emergency access. The entrance and exit areas can only lead into residential area and the main entrance is directly opposite bungalows, for elderly and disabled residents, therefore making our most vulnerable feel anxious in their own homes, especially late on an evening when people are leaving. I do not think that the use of signs asking people to leave quietly is the answer.

The links between alcohol consumption and antisocial behaviour is evidenced within the County Durham Alcohol Reduction Strategy 2015 "Recent perception data captured via the

Police Confidence Survey shows that 15.4% of residents in County Durham perceive drunk rowdy behaviour as a problem". This is only going to add to the issue. The Moors bar situated in close proximity is leased by STFC and have live bands on a weekly basis, therefore this application raises further concern that they are trying to do things on a much larger scale at the Brewery Field.

All day live music events, will impact potentially on non-working days also when completing nightshifts. Within the licensing objectives it states that Spennymoor Town Football Club (STFC) plan on having strong links with the local community, I do not see how this can be possible with such disruption.

To promote licensing objectives, it is noted that litter will be controlled, how will this be managed outside the venue, as there are already problems with litter for residents.

A further concern is that if this application will be considered by licensing partners and a compromise be granted from the requested of 7 days a week. There needs to be further consideration to the time of year they intend to use further licensing events. My thoughts are that STFC will utilise the ground when the football season is over, resulting in live events being held between May to August which equates to around 12 weeks a long with additional functions on non-match days/evenings.

We have lived here for 10 years and never made a complaint or disapproved of anything until the recent changes within the Club. It would be useful to know just what the intentions, size and scale of what STFC and Ramside Estates are planning, to allow a fair consultation and residents to have the correct information of what exactly are the plans. Sporting Event, Control of Alcohol Act 1985 should also be considered when making decisions and recommendations. In my opinion the Football Club do not demonstrate good practice as they do not take on board the recommendations of their governing body, the FA and therefore we fear the impact of approving this Premises Licence application will be detrimental to local residents. We acknowledge that other football clubs such as Crook and Bishop Auckland have live events out of season but are in non-residential areas/housing estates.

I would ask that further information is requested from STFC to answer the above, to ensure the correct details are known.

Yours faithfully

Mr & Mrs Suffield

APPENDIX 5 – REPRESENTATION FROM MR PURVIS

Vine Street
Spennymoor
DL16 6JL

20 November 2017

Dear Sir/Madam

I write to you to formally state my objection and concerns I have regarding the plans Spennymoor football club have to hold live music events on its grounds. I don't believe consideration has been given to local residents or the affects these plans would have on area if they are allowed to go ahead.

Firstly the club is in the middle of built up area with elderly accommodations and also many young families. The impact this would have would be disastrous with knock on affects involving, noise, traffic, parking and drunken behaviour. The club already hold live events in the public house they own at the top of the street and additional events in the grounds is not needed.

I believe an inspection of the grounds carried out by any competent person would find these same concerns and reject the clubs proposal.

The streets are too narrow to cope with the congestion already and the club has no parking spaces for fans or visitors. Any plans to increase the noise and traffic in this area is totally unacceptable.

Yours faithfully

Lee Purvis

APPENDIX 6 – 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, licencees 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 dependant 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

8.2 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.

Category of Premise	Weekdays (Sunday to Thursday)	Weekends (Friday night into Saturday morning and Saturday night into Sunday morning)	Bank Holidays
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 7 – SECTION 182 GUIDANCE

Crime and disorder

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

usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that 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 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their

recommendation to the fire 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.

¹ 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

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