

Statutory Licensing Sub-Committee

9th January 2018

Application for the Grant of a Premises Licence



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

**Name and Address of Premises: Steam Machine Durham Limited,
Rear of 85 New Elvet, Durham. DH1 3AQ**

1. Summary

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

Steam Machine Durham Limited
Rear of 85 New Elvet
Durham
DH1 3AQ

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 16th November 2017. A copy of the application is attached as Appendix 2.

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

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

Activities	Days & Hours Requested
Sale of Alcohol (for consumption on and off the premises)	Monday to Sunday: 12:00 – 23:30 hrs Bank Holidays & Boxing Day: 12:00 – 00:45 hrs
Recorded Music (Indoors)	Monday to Sunday: 12:00 – 00:00 hrs Bank Holidays & Boxing Day: 12:00 – 00:45 hrs
Opening Hours	Monday to Sunday: 12:00 – 00:00 hrs Bank Holidays & Boxing Day: 12:00 – 01:00 hrs

3. The Representations

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

Eight of the representations are in support of the application and two representations are objections to the premises licence application.

The objections are from the following persons:

- Mr John L Dixon, Secretary of Orchard House Residents' Association
- Mr Charles & Mrs Elizabeth Elliott

The representations objecting to the application relate to the following licensing objectives:

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

Copies of the two representations opposing the application are attached at Appendix 3.

The representations in support of the application are from the following persons:

- Mr James McLaughlin (other person)
- Ms Heather Bland (other person)
- Mr Alastair Wild, Caps Off Ltd (other person)
- Mr and Mrs M Johnson (other persons)
- Mr Josh Borrow (other person)
- Dr Timothy Butterley (other person)
- Ms Christine White (other person)
- Mr Peter Norman (other person)

Copies of the representations in support of the application are attached at Appendix 4.

No representations were received from any of the Responsible Authorities.

For Members information – An e-mail not amounting to a representation was received from Jennifer Jennings, Planning Officer for Durham County Council.

A copy of this e-mail is attached as Appendix 5.

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

- Durham Constabulary
- Environmental Health Noise Action Team
- Durham Local Safeguarding Children Board

- Fire Safety Authority

Copies of these responses are attached at Appendix 6.

4. Parties

The Parties to the hearing will be:

- Steam Machine Durham Limited (applicants)
- Mr John L Dixon (other person)
- Mr Charles and Mrs Elizabeth Elliott (other persons)
- Mr James McLaughlin (other person)
- Ms Heather Bland (other person)
- Mr Alastair Wild, Caps Off Ltd (other person)
- Mr and Mrs M Johnson (other persons)
- Mr Josh Borrow (other person)
- Dr Timothy Butterley (other person)
- Ms Christine White (other person)
- Mr Peter Norman (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 Crime and Disorder
- 8.0 Public Safety
- 9.0 Prevention of Public Nuisance
- Appendix B - Framework Licensing Hours

Relevant information is attached as Appendix 7.

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
- 2.17 – 2.14 Public Safety
- 2.15 - 2.21 Public Nuisance

Relevant information is attached as Appendix 8.

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: Yvonne Raine

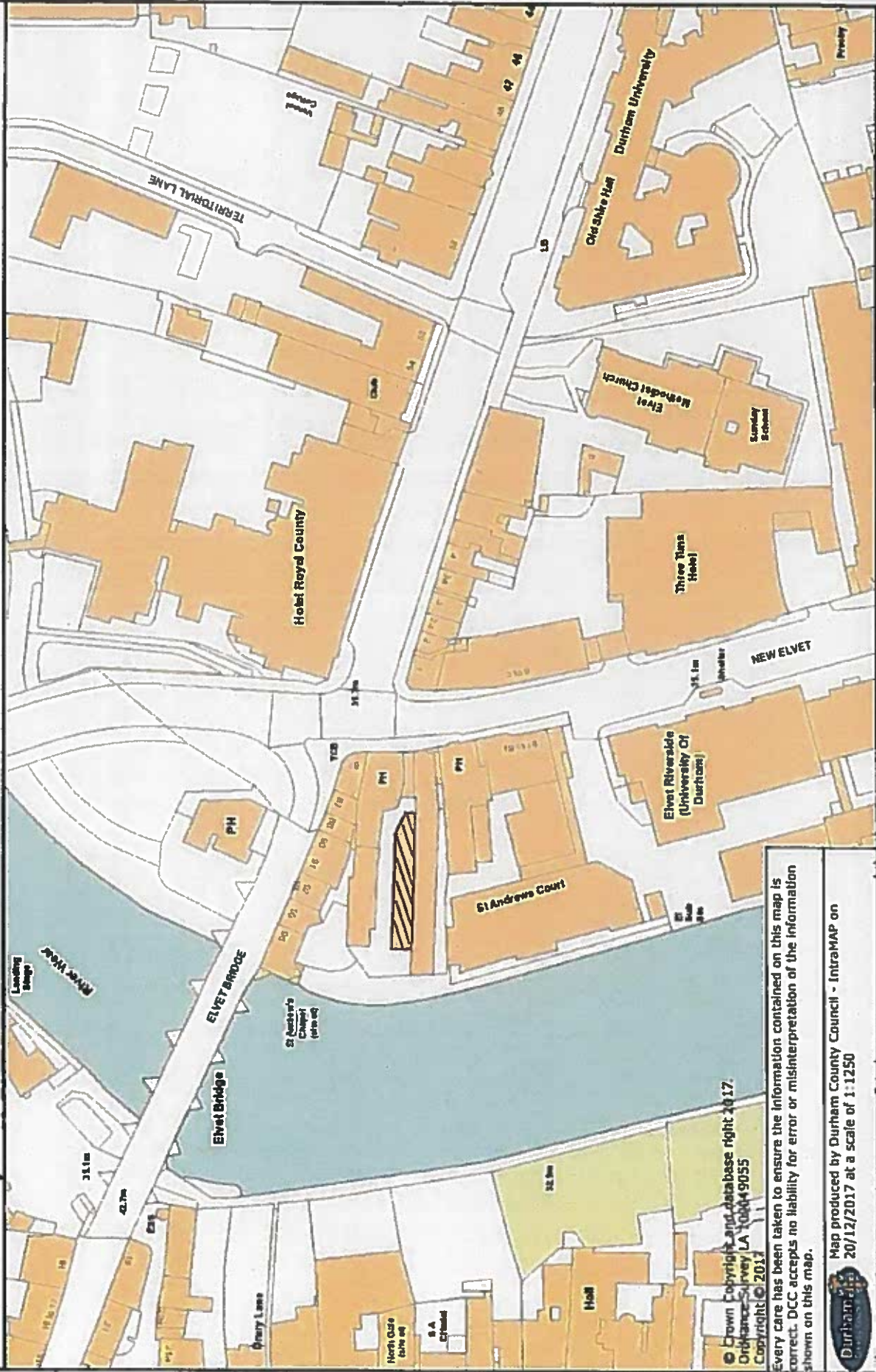
Tel: 03000 265256

Email: yvonne.raine@durham.gov.uk

APPENDIX 1 – LOCATION PLAN

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

Durham County Council - IntraMAP



APPENDIX 2 – APPLICATION



County Durham
Application for a premises licence
Licensing Act 2003

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

* required information

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

System reference

Not Currently In Use

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

Your reference

Steam Machine Durham

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?

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

Yes No

Applicant Details

* First name

Tom

* Family name

Smith

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Applicant Business

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

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

Registration number

10812473

Business name

Steam Machine Durham LTD

If your business is registered, use its registered name.

VAT number

GB

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

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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PREMISES DETAILS

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

Premises Address

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**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

Steam Machine Durham LTD

Details

Registered number (where applicable)

10812473

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

Continued from previous page...

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
* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

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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 premises is located at the rear of an estate agents on New Elvet in Durham City Centre. The objective of the premises is to bring a quirky Craft Beer bar and bottleshop into Durham ran by a local brewery. We want to make the fine quality beers available to locals, visitors and students in the form of draught, cans/bottles and growler fills (Growlers are refillable glass bottles that can be filled from a tap and brought back for reuse).

Continued from previous page...

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

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

Standard Days And Timings

Continued from previous page...

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

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.

Quiet and unobtrusive background music would be played from a recorded format through a small speaker system so
therefore would be amplified. However, our aim is to encourage good conversation whilst experiencing craft beer, and
therefore volumes would be kept low.

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.

Continued from previous page...

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.

Standard Bank Holidays: Good Friday, Easter Monday, Early May bank holiday, Spring bank holiday, Summer bank holiday, Boxing Day we would like to begin activities at the same time of 12:00 and to cease activities at the later time of 00:45 the next morning. (closing time at 01:00). Recorded music will take place inside.

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes No

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

See guidance on regulated entertainment

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

Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="11:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="11:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="11:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="11:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="11:30"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

Standard Bank Holidays: Good Friday, Easter Monday, Early May bank holiday, Spring bank holiday, Summer bank holiday, Boxing Day we would like to begin activities at the same time of 12:00 and to cease activities at the later time of 00:45 the next morning. (closing time at 01:00).

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

Date of birth / /
dd mm yyyy

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.

N/A

Continued from previous page...

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 12:00

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 12:00

End 00:00

Start

End

WEDNESDAY

Start 12:00

End 00:00

Start

End

THURSDAY

Start 12:00

End 00:00

Start

End

FRIDAY

Start 12:00

End 00:00

Start

End

SATURDAY

Start 12:00

End 00:00

Start

End

SUNDAY

Start 12:00

End 00:00

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.

Standard Bank Holidays: Good Friday, Easter Monday, Early May bank holiday, Spring bank holiday, Summer bank holiday,

Continued from previous page...

Boxing Day we would like to begin activities at the same time of 12:00 and to cease activities at the later time of 00:45 the next morning. (closing time at 01:00).

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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.

-We will hold the 4 objectives in high regard, and will strive to keep staff fully trained on all of our policies and procedures, all training records will be made available to officers on request.

-Authorised staff employed by Durham Police shall have free access to all parts of the licensed premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.

All staff training records will be signed, held 'on-site' and made available to Responsible Authorities on request.

-Written protocols will be in place detailing Policies, Procedures, Roles and Responsibilities in the effective implementation and management of the licensing objectives. This documentation will be held 'on-site' and made available to Responsible Authorities on request.

-The premises will provide written evidence of the maximum capacity for the premises and this will be displayed at all entrances and exits. This capacity will be confirmed and set by County Durham and Darlington Fire and Rescue Authority.

b) The prevention of crime and disorder

-The area in which the public will be permitted access will be constantly manned whilst the premises is open to the public.

-There is CCTV in operation outside the premises.

-Full initial staff training to be carried out by DPS to ensure no alcohol is sold to anyone underage, and refresher training to be carried out every six 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.

-Cameras shall encompass the inside and outside of all entrances and exits to the premise, smoking area, beer gardens and all areas inside the premise where the sale / supply of alcohol occurs.

-Notices will be clearly displayed at the entrance and around the premise stating CCTV is in operation.

-All footage will be kept on the system for at least 28 days and made available to officers and responsible authorities when requested to do so via USB or disk.

-All staff will be trained to operate the CCTV system this is to include viewing and downloading of the system. Regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request from police or other relevant officers of a responsible authority.

- In addition, there will be no silly drinks promotions, as these promote irresponsible drinking.

c) Public safety

-The premise will maintain an incident book and record/report all instances of disorder both inside and directly outside the premise. This documentation will be held 'on-site' and made available to responsible authorities on reasonable request.

-Good housekeeping procedures will be implemented and will include keeping the outside of the premise clean and free from rubbish including premise frontage and any designated smoking area.

-Staff training of fire safety equipment and fire extinguishers to be serviced annually.

-Zero tolerance to drugs.

d) The prevention of public nuisance

-The DPS will actively work with local Beat Officers/PCSO's in the reporting of any ASB connected to the premise.

Continued from previous page...

-The licensee shall display prominent notices in appropriate positions within the premises reminding customers to leave quietly.

-Doors and windows will be kept closed whilst live music is being played.

-Glass will be allowed outside with signs and notices displayed to inform customers not to leave the premises with glassware and will be monitored by staff.

e) The protection of children from harm

-The premises will operate a Challenge 25 scheme - notices setting out this policy will be displayed at all points of sale and within the premises.

-No person under the age of 18 years old will be permitted to consume alcohol on the premise.

-All staff involved in the sale of alcohol shall be properly trained in accordance with the Premises Licence Holder's own training programme and staff will complete refresher training every 12 months. The programme must include Child Sexual Exploitation training. These training records will be made available for inspection by police or an authorised office on reasonable request.

-A 'Refusals Register' will be held within the premise and all refusals will be logged along with any behaviour associated with the refusal. All staff will be trained in its use. The Refusal Register will be made available to relevant authorities on request.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.**
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an Immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

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

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

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific regulated entertainments please note that:

- **Plays:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

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

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

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

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

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

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

Continued from previous page...

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

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

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

* Full name
* Capacity
Date (dd/mm/yyyy)

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

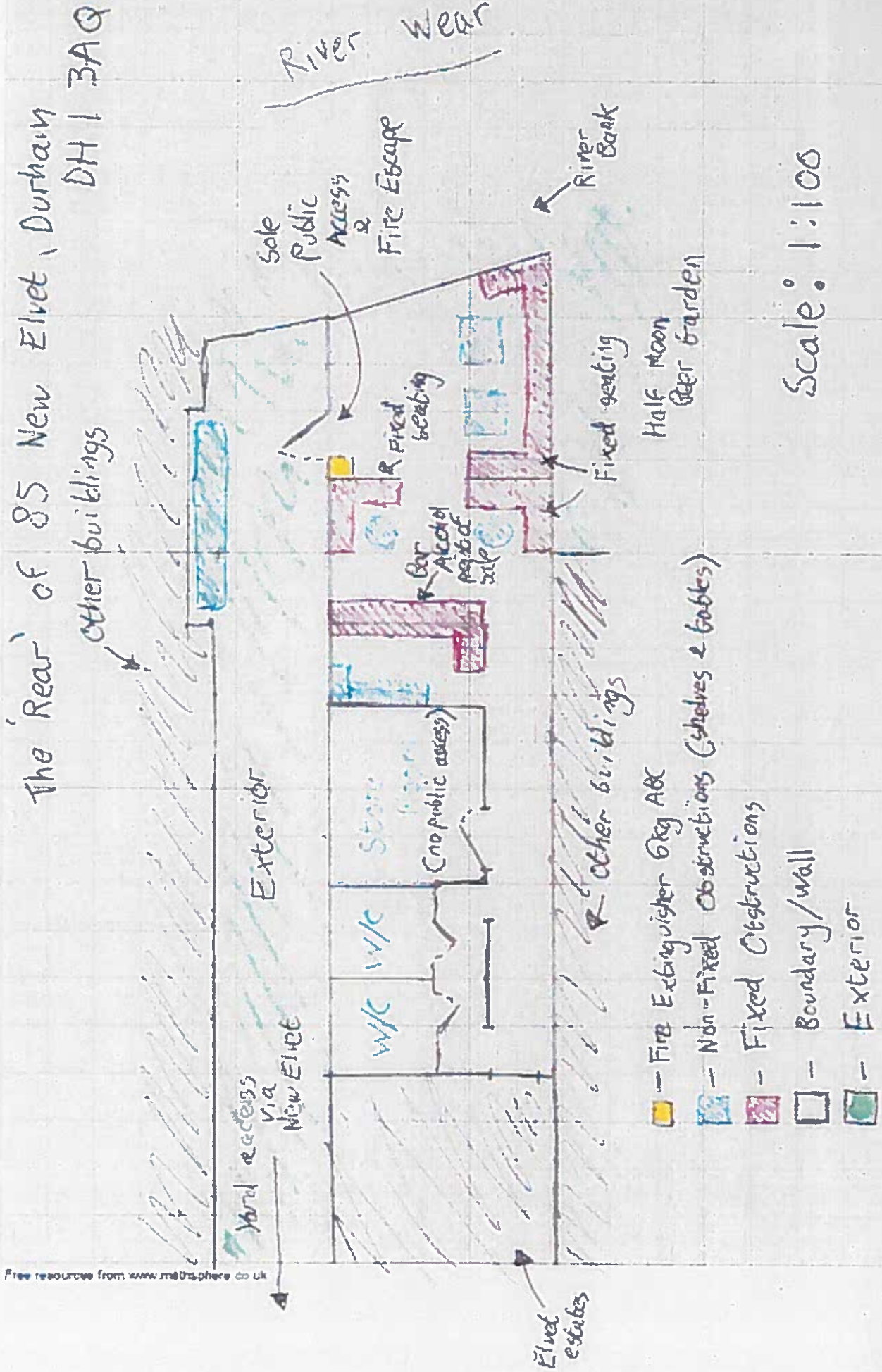
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/county-durham/apply-1> to upload this file and continue with your application.

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

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

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

The 'Rear' of 85 New Elvet, Durham DH1 3AQ



**APPENDIX 3 - REPRESENTATIONS
OPPOSING APPLICATION**

From: John Dixon

Sent: 06 December 2017 12:07

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

Subject: Comments on Licensing Application for REAR of 85 NEW ELVET, DURHAM, DH1 3AQ

Dear Sir/Madam

Many thanks for the recent helpful and informative conversation with your staff in respect of this current Licensing Application.

As Secretary of the Residents' Association for Orchard House, New Elvet, I wish to submit this objection to the granting of a licence for these premises on the grounds of public safety and in the interests of preventing further public disorder.

Residents in this building are suffering very regularly from on-street disorder up to as late as 03:00 hours caused by large, drunken, rowdy groups who "drunk run" up and down New Elvet.

The situation has been regularly reported to the Police and a meeting with them is due to take place shortly. In addition we hope to also meet with the University authorities as it would seem that students are likely to be those causing the greater part of the disorder, noise and anti-social behaviour.

It seems clear to us that it would be unwise to add yet a further alcohol-related establishment to this street in the present circumstances. Residents have witnessed the problems caused to local traffic by these large groups and are concerned that fatal or serious incidents may result, unless action is taken to curb this behaviour.

Creating another bar, in premises which, we understand, were forced to close due to similar problems in the past, seems inappropriate. We do hope that the effect on local residents will be taken seriously in considering this application.

I should be grateful for your acknowledgment that you have received this objection.

Yours sincerely

John L Dixon BA(Open), CPFA, FCMI, DipHSM

Secretary

Orchard House Residents' Association

Orchard House

New Elvet

DURHAM

County Durham

DH1 3DB

From:

Sent: 12 December 2017 13:16

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

Cc: Charles Elliott

Subject: Objection to licencing application at #85 New Elvet, Durham

Dear Sirs

We wish to object in the strongest terms to this licensing application, as owners of the property in question.

In the first instance as owner of this property we were not contacted officially by the applicant to be notified of this proposed licensing application; if we had been we would have most strenuously objected to the proposal.

We have a number of objections to the license application, as follows:

Crime and Disorder: This property has a long shared access passageway with residential accommodation which has always been secured by way of key access only to ensure security. The opening of this passageway to the public during the proposed hours, and particularly after dark will give rise to an unacceptable increased threat to the security of the residents not only in terms of actual property security but also to their personal safety.

Public Nuisance: There are already two public houses, one on each side of the property. An additional public house in this vicinity, especially when they intend to extend the usage down to the river, will give rise to an unacceptable increase in noise, people and rubbish together with the inevitable use of the passageway as a public urinal by potential revellers meaning that the residents of the upper floors of the property would be adversely affected, together with neighbouring residents. There is also the environmental risk of infestation due to rubbish being left close to the river. From our understanding of their 'target' demographic there is also the significant risk of the venue targeting particularly young (and underage) people.

General Safety: We are concerned that the main meters and supply for the property for all utilities, gas, electricity and water, are housed in the passageway that they intend to use as access. There are two aspects that are of serious concern; firstly, the safety of the supplies themselves from both careless and/or malicious damage, also giving rise to potential fire & other health implications and secondly the safety of the users when this passage is being used by large numbers of the general public (perhaps whilst intoxicated) rather than just the residents of the property.

Water Supply: There is also only a single supply of water into the property and Northumbrian Water have refused to fit a second meter to separate the ground floor from the upper residential floors. This may cause issue with the supply of water to a property which has not been designed for such commercial use. Northumbrian Water's refusal to provide separate metering does have an impact on whether such a license application should be considered not least from a billing perspective.

Noise Pollution: The licensing application includes a music licence from 12 noon to 12 midnight this combined with the proposed extension of the property by way of a riverside elevation will give rise to undue noise pollution to not only the residents of the upper floors but also the surrounding residents.

Property Structure: The property is in a designated flood area, standing as it does beside the river, and the proposed installation of a sliding window on the rear wall of the property will weaken the basic structure of the building and make the whole property more susceptible to flooding, which is unacceptable and potentially would make the building uninsurable.

Waste Disposal: There is no other access for waste disposal other than the passageway entrance and all bins are not able to be placed on the main street and therefore would theoretically have to be stored within the passageway that is intended to be used as access. The passage is not wide enough to accommodate commercial waste containers and to still allow safe access for people. This could give rise to rubbish being disposed of over the wall of the property and into the river and riverbank. As the rear of the property can be seen from several strategic tourist points in the city any poor waste management would have a adverse effect on tourist perception in addition to a negative environmental impact.

We trust that you will consider our objections to this licensing application and will in turn refuse to grant it.

Yours faithfully

Charles & Elizabeth Elliott

The Peth,
Durham,
DH1 4PZ

**APPENDIX 4 – REPRESENTATIONS
IN SUPPORT**

Steam Machine Durham LTD Licensing Application

To whom it may concern,

My name is James McLaughlin, and I am a resident of County Durham and postgraduate student. Having frequented many of the pubs of Durham city over the years, and having been involved with the Steam Machine project in Newton Aycliffe as a volunteer since the beginning, I am writing to express support for the recent license application for the Steam Machine Brewing Company to open a craft beer micro-bar behind Elvet estates.

I am concerned that others unfamiliar with the brewery and their mission might get the wrong idea as to what Steam Machine hope to achieve with the Durham bar.

Steam Machine is not a celebration of drinking. Rather, Steam Machine - a local County Durham startup still wholly owned by husband and wife - is a celebration of *the art of beer*. Rare visitors to the brewery with the intention of getting drunk are sorely disappointed when they realise the beer is an **expensive, artisanal product** served in halves or thirds of a pint, or taster samples in tumbler glasses.

I find it difficult to understand how the opening of a "micro" craft beer bar would have any impact on either noise or anti-social behaviour when the location is **adjacent to the Half Moon, a large, long-established pub with a busy beer garden**. To put it into perspective, the entire size of the (indoor) Steam Machine bar would fit into the Half Moon beer garden, which is advertised as the "riverside courtyard".

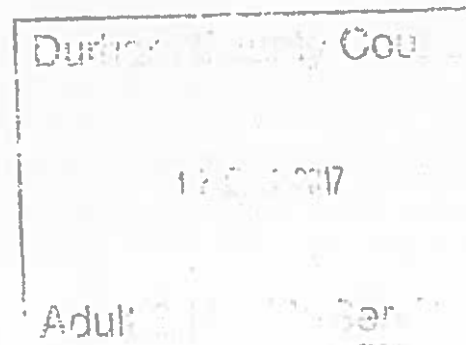
I consider it vitally important to the future of Durham - if it is to retain its worldwide reputation as the vibrant and exciting "perfect little city" - that we encourage the opening of small, artisanal boutiques, cafés and bars in any and all of the unused prime space in the city centre. I also think that Durham City Council has a duty to support local people running local businesses, and to put them before the chains and international franchises that are rapidly taking over our cobbles.

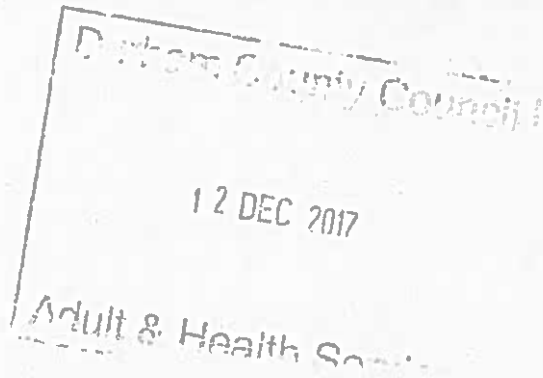
I therefore urge you to allow one of our few local breweries to have a place in our wonderful city centre.

Yours in hopeful sincerity,

James McLaughlin

Vane Road
Newton Aycliffe
County Durham
DL5 5RQ





Heather Bland

**Back Bridge Street
Tow Law
County Durham
DL13 4LB**

09/12/2017

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

Steam Machine Durham LTD Licensing Application

Dear Sir/Madam,

As a regular customer of the Steam Machine branch located in Newton Aycliffe, and a graduate of Durham University, I was overjoyed to hear that a new branch was due to be opened in Durham. I believe that this will be a great success, and will offer an experience which is vastly different from many of the bars currently located in Durham city.

The Newton Aycliffe bar has a very laid back atmosphere, and is a place where people from all over the county come to enjoy artisan craft beers, which is something that most patrons feel passionately about. People go here to socialise and have a quiet drink, rather than to locate cheap alcohol and drink themselves senseless (which seems to be the case in many chain bars like Love Shack and Lloyds, to give some examples). The new branch would be located between the Half Moon, and the City Hotel, and given the kind of patron generally attracted to craft beers, (which are usually more expensive, and served in smaller volumes than mass produced lager) the bar certainly would not produce excessive noise pollution, in fact any noise made within would likely be drowned out by that of the adjacent premises.

In Newton Aycliffe a tight community of craft beer lovers has grown centred around Steam Machine, and I feel that it would be a great shame if the new branch was not permitted a license. The staff at Steam Machine are dedicated to providing excellent craft beer and an excellent customer experience, and I am sure they will be very successful in this endeavour.

Yours Faithfully

Heather Bland

Caps Off Ltd,
Bob Hardisty Drive,
Bishop Auckland,
County Durham,
DL14 7TL

Steam Machine Durham LTD Licensing Application

Dear Sir/Madam,

This letter is in support of the recent license application you have received from the Steam Machine. Contrary to what you may have been told, the steam machine is not a chain of pubs who sell cheap and commonly found beers and lagers. They are a relatively small, independent local business who manufacture and sell their own brand of craft beers.

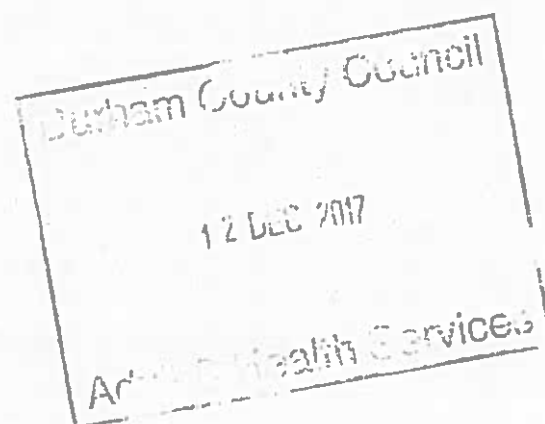
Their brewery turned micropub in the Newton Aycliffe industrial estate is a thriving hub of good spirits and atmosphere, where many locals spend their evening mingling with others in the local community. They are incredibly different from big pub chains who are only bothered about their profit margins, the Steam Machine team are an incredibly passionate group of individuals who take great pride in the product and venue they provide.

I'm sure the venue they open in Durham would be no different, passionate local people trying to share their product with a different community. Thanks for taking the time to read this letter and hope to see them open soon.

Sincerely,

Alastair Wild

Caps Off Ltd



Mr + Mrs M. Johnson
Redhills Lane
Crossgate Moor
DH1 4AL

Durham County Council
PO Box 617
Durham
DH1 9HZ
9th December 2017

RE: Steam Machine Durham LTD Licensing Application

Dear Sir, Madam

I am writing to you to support the planning application for the Steam Machine Durham licensing application. My husband and I have frequented the premises on several occasions and found it to be an asset to our community. The staff are very friendly and love our city. They pass on an extremely welcoming manner to our visitors and provide a wonderful service of serving locally produced sustainable products to locals and visitors alike.

I have often seen very discerning clientele at the pop up bar, many of them of middle age, like myself. The concerns about noise and disruption are unfounded as the customers are there to savour the craft ale, which is not cheap, so we rarely indulge too much!

Furthermore, the location of the current venue is perfect for an 'alternative' connoisseurs ale bar as it doesn't attract the usual customer who may cause trouble.

It would be a huge oversight not to allow the Steam Machine to provide outstanding ales to the good people of Durham City. We would miss them very much.

Yours Faithfully

Mrs D. Johnson, local resident and Teacher of Geography

The Chain's
Claypath
Durham
DH1 1QZ

11th December 2017

Dear Sir / Madam,

I am writing in support of Steam Machine Durham LTD's Licensing Application. This brewery is one of the finest in the north east - not only do they produce fantastic beer but they do so whilst supporting our community.

As an organiser of a community outreach programme (Life Scientifics Durham City), I approached Steam Machine to ask if they would assist me with a session on the science of brewing. They quickly responded (which is quite out of the ordinary!) and put on one of the best sessions that we have ever had, which attracted more than 60 people from around the county and

beyond from varied backgrounds. This is in contrast to our usual attendance of 15/20, with attendees mainly coming from the city itself.

The brewer's latest establishment ('Brew Tap') on New Elvet has a great atmosphere very different than anything else in the city.

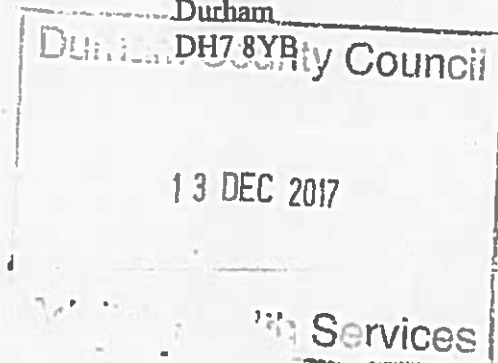
I must urge you to accept the application of from the Steam Machine Brewery. They are a fantastic, community-focused organisation that are the perfect example of what this country needs.

Yours Faithfully,

Josh Borrow MPhys (Dunelm)

Email contact:

Dr T Butterley
St Bede's Way
Langley Moor
Durham



Durham County Council
PO Box 617
Durham
DH1 9HZ

12 December 2017

Dear Licensing Committee,

Re: Steam Machine Durham LTD Licensing Application

I am writing to express my support for the licensing application mentioned above.

I have been acquainted with Steam Machine Brewing Company since their launch in mid-2015. I have visited their premises in Newton Aycliffe on numerous occasions and I have also encountered the team at several events around the North East. The brewery is a small local business that produces very high quality craft beers. The staff are all hard-working, conscientious and community-spirited people, with a genuine enthusiasm for craft beer. Their bar at the brewery and the temporary "pop-up" bars I've visited have always had a friendly and welcoming atmosphere. As a Durham resident I was delighted to hear that a Steam Machine bar might open here; I think it would be an excellent addition to the city and I hope you will allow it to go ahead.

Yours faithfully,

Dr Timothy Butterley

Christine White
Gilpin Road
Newton Aycliffe
Co. Durham
DL5 5EN

11th December 2017

To whom it may concern;

I am writing in support of
Steam Machine Durham LTD licensing Application.

This company provides a nice (not cheap) beer and soft drinks, also a nice friendly place to visit in Newton Aycliffe and Durham. The Durham bar is ideal to take a break whilst visiting and we found it to be brilliant to take our visitors from the U.S.A. too. They loved the friendly, relaxing atmosphere that this company provided. It is not a rough, cheap beer place to get drunk in, it is one you can take your family into and just enjoy the company and chat, which I can honestly say is few and far between these days. I do hope this application is successful and we can enjoy our games nights, good company and a great glass of beer.

Yours Sincerely,

(sig)

Durham County Council

14 DEC 2017

Adult & Health Services

Durham County Council

14 DEC 2017

Adult & Health Services

Defoe Crescent
Newton Aycliffe
County Durham
DL5 4JP

12.12.17

Steam Machine Durham LTD Licensing Application

Dear Sir or Madam:

I am writing to encourage you to grant the licensing application of Steam Machine Durham LTD, and I do so whole-heartedly based on my experiences of Steam Machine Brewing Company LTD in Newton Aycliffe and during their residency at Empty Shop, Durham City.

It would be incorrect to categorise Steam Machine as just 'another bar/pub' or compare it to the many faceless-chains that populate Durham. In Newton Aycliffe, Steam Machine have created a welcoming, inclusive community and I have complete faith in them replicating this success in Durham.

Steam Machine in Newton Aycliffe is a place where a broad demographic of people can come together: countless times people walk through the door for the first time to be warmly welcomed by the staff and within a short period of time, they will be talking to a stranger and forming new friendships. As I said earlier, Steam Machine have created a community. I am proud to be part of it (hence this letter) and I have made many friends from my time spent there.

I frequently visit Steam Machine Newton Aycliffe and I have only ever had positive experiences there: whether it is visiting with my wife; as a family with our young children, enjoying some street food; attending events such as Durham Brass Festival; or, playing games with friends during their board games nights. What they offer is very diverse, it offers so much in such a simple way and each new visit is equally as special as the last. The staff make it feel special by making you feel so welcome and by creating an atmosphere that is warm, friendly and non-threatening.

So far this letter, encouraging you to grant a license to Steam Machine Durham LTD, has not even mentioned the award winning beer that they brew. Steam Machine are incredibly creative and versatile in what they produce. Their beers are high quality and they enjoy sharing their passion for brewing with people. When you visit Steam Machine, the team are very generous with their time, sharing the inspirations for the different beers, explaining how they were brewed, finding out about your personal tastes and finding a match for you from their vast range. The service they provide would be unrivalled in Durham.

The Steam Machine team are authentic in what they produce and in how they are as people. Steam Machine is not an opportunist's venture, but instead it is a passion

that has developed into a successful business. Steam Machine create great beer and unique places, therefore by granting a license for them in Durham, it will enhance the city by enabling Steam Machine to broaden the community that has already been established in Newton Aycliffe.

It is so difficult to put into words what Steam Machine are able to do but please take into account that this license is not about just about letting them sell alcohol, it is about who the Steam Machine are and the community that they create. In my opinion, Durham would benefit so much by having them in the city. Please grant their license application.

Yours sincerely,

Pete Norman

**APPENDIX 5 -
PLANNING COMMENTS**

Karen Baker

From: Jennifer Jennings
Sent: 20 November 2017 15:56
To: Karen Baker
Subject: CON28/17/02900 Rear of 85 New Elvet, Durham

Dear Karen

Thank you for your consultation on the above premises.

I can confirm that I am currently in receipt of a valid planning application for the change of use of this premises to an A4 public house use class. The application is currently out to consultation and I await comments from a number of consultees including Environmental Health in terms of impacts of noise etc. I have received a number of objections but the application is still under assessment and the deadline for a decision to be issued is 22 December 2017.

I would point out that the applicant has applied for opening hours of 0900 – 0100 Monday to Saturday and 0900 – 0200 Sundays and bank holidays. These hours differ from the hours stated on your application form, although it is not unusual for longer hours to be requested on the planning side to allow flexibility as well as allow time for set up and clean up.

I trust this is of assistance to you.
Many thanks

Jennifer Jennings
Planning Officer – Central East Area

Planning Development (Central and East), Durham County Council, County Hall, Durham, DH1 5UL

APPENDIX 6 – RESPONSES FROM RESPONSIBLE AUTHORITIES

Karen Baker

From: Daniel Darnton
Sent: 18 November 2017 18:51
To: Karen Baker
Subject: FW: Licensing - NEW premises licence application Rear of 85 New Elvet, Durham City DH1 3AQ

Hello,

Durham Constabulary have no objections to the below application.

Thanks
Dan

Daniel Darnton
Harm Reduction Unit
Meadowfield Office tel 101 ext 75 2351
Darlington Office tel 101 ext 74 2782



Durham Constabulary
Altogether Better Policing

Karen Baker

From: Ted Murphy
Sent: 20 November 2017 11:01
To: Karen Baker
Subject: RE: Licensing - NEW premises licence application Rear of 85 New Elvet, Durham City DH1 3AQ

Hi Karen,

No objection from NAT

Regards

Ted Murphy
Senior Environmental Health Officer
Adult and Health Services

T:

E:

Web: www.durham.gov.uk

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

Like us at facebook.com/durhamcouncil

Karen Baker

From: Neighbourhood Services Licensing
Sent: 23 November 2017 13:38
To: Karen Baker
Subject: FW: Licensing - NEW premises licence application Steam Machine Durham Rear of 85 New Elvet, Durham City DH1 3AQ

fyi

Karen Robson
Senior Licensing Officer
Adult & Health Services

From: Sean Barry
Sent: 23 November 2017 10:53
To: Neighbourhood Services Licensing <Licensing@durham.gov.uk>
Subject: RE: Licensing - NEW premises licence application Steam Machine Durham Rear of 85 New Elvet, Durham City DH1 3AQ

Good Morning

I have received a new premises licence for the establishment: Steam Machine Durham 85 New Elvet, Durham City DH1 3AQ

I have no comments or objections to make on behalf of Durham Local Safeguarding Children Board.

My Ref: SB/2017/116

Thanks
Sean

Safest People, Safest Places

County Durham and Darlington
Fire and Rescue Service



Chief Fire Officer: Stuart Errington

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

Date: 05 December 2017

This matter is being dealt with by: Chris Hockaday

Ext:

Our Ref: 2A40850438

Your Ref: XX

Direct Dial Telephone:

E-mail:

Dear Sir

Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005
Student Homes, 85 New Elvet, Durham, DH1 3AQ

I acknowledge your application dated 16 November 2017 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

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

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

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

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

Yours faithfully

Chris Hockaday
Fire Safety Section



www.ddfire.gov.uk



APPENDIX 7 - STATEMENT OF LICENSING POLICY

7.0 The Prevention of Crime and Disorder

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

7.2 As a matter of policy, the Licensing Authority will require every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter.

7.3 The Licensing Authority recommends that all applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit 14 television in certain premises should be considered by applicants, licensees and event organisers when addressing this issue.

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

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

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

7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or issues arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. The Licensing Authority considers it to be good

practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:

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

7.8 The Licensing Authority will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that particular premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

7.9 Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager.

7.10 The numbers of licensed door supervisors, both male and female, required at any premises will be dependent upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.

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

7.12 Toughened/Safety Glass Policy: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

7.13 Drugs/Knives/Weapons: The Licensing Authority will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands within the premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer

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

8.0 Public Safety

8.1 The Act covers a wide range of premises that require Licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants.

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

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

9.0 Prevention of Public Nuisance

9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

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

9.3 If an external structure or area is to be used by customers, whether for consumption of alcohol or for smoking, the applicant will be expected to offer

measures designed to minimise its impact on local residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on hours that areas / structures will be used, appropriate signage requesting customers to consider local residents and monitoring of such areas by staff.

9.4 The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway relevant consents will often be required. Enquiries for such consents should be made to the Council's Highway's Section of the Regeneration and Economic Development Department. In predominantly commercial areas such as shopping centres the Licensing Authority, the use of tables and chairs outside may be allowed however, the Council will normally expect them to be removed before the premises close, and any resulting litter/ debris cleared away.

9.5 Applicants should give consideration to reducing potential noise nuisance by, for example (this list is not exhaustive):

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

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

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

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

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 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 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	07.00 to 00.00	07.00 to 01.00	<p>Good Friday Plus 1 Hour</p>

<p>alcohol (community centres, village halls)</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>
<p>For licences authorising late night refreshment as the primary licensable activity (takeaways)</p>	<p>01.00</p>	<p>02.00</p>	<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 8 - S.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.