

Statutory Licensing Sub-Committee

3rd July 2018

Application to vary a Premises Licence



Report of Ian Thompson, Corporate Director, Regeneration and Local Services

Name and Address of Premises: The Lounge, 21 North Terrace, Seaham, SR7 7EU.

1. Summary

The Sub-Committee is asked to consider and determine the application for the variation of a premises licence for The Lounge, 21 North Terrace, Seaham, received from Carol Madeley on behalf of Westlea Catering Company Ltd.

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

2. Details of the Application

An application to vary a premises licence was received by the Licensing Authority on 9th May 2018. 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 current premises licence activities are listed below together with the proposed variation:

Current Licensable Activities	Days & Hours
Recorded Music (indoors) Sale of Alcohol (on/off sales)	Monday to Thursday 11:00 until 22:00 hrs Friday & Saturday 11:00 until 23:00 hrs Sunday 12:00 until 22:00 hrs
Current Opening Times	Monday to Thursday 11:00 until 22:00 hrs Friday & Saturday 11:00 until 23:00 hrs Sunday 12:00 until 22:00 hrs
Proposed Licensable Activities	Days & Hours
Sale of Alcohol (on/off sales)	Friday & Saturday 11:00 until 01:00 hrs Sunday 11:00 until 23:00 hrs
Proposed Opening Times	Monday to Thursday 09:00 until 22:00 hrs Friday & Saturday 09:00 until 01:30 hrs Sunday 10:00 until 23:30 hrs

3. The Representations

The Licensing Authority received eight letters during the consultation period in relation to the variation of the premises licence application. All letters were deemed relevant representations from the following, namely 'other persons':

- Durham Constabulary (Responsible Authority)
- Ms S Maddox (other person)
- Dr P Aylott (other person)
- Mr & Mrs Duncan (other persons)
- Ms S Walton (other persons)
- Mr J Pemberton (other person)
- Dr J Wilson (other person)
- Mr & Mrs Thompson (other persons)

The relevant representations relate to the following licensing objectives:

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

A copy of the representations are attached as Appendix 3.

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 County Council Environmental Health (Noise Team)
- County Durham Fire and Rescue Service
- Durham Local Safeguarding Children Board

Copies of these responses are attached at Appendix 4.

Durham County Council Planning Authority have confirmed that they have no comment to make in relation to the application but have provided information. See Attached Appendix 5.

4. Parties

The Parties to the hearing will be:

- Ms Carol Madeley (Westlea Catering Co Ltd - Applicant)
- Durham Constabulary (Responsible Authority)
- Ms S Maddox (other person)
- Dr P Aylott (other person)
- Mr & Mrs Duncan (other persons)
- Ms S Walton (other persons)
- Mr J Pemberton (other person)
- Dr J Wilson (other person)
- Mr & Mrs Thompson (other persons)

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 & Disorder
- 8.0 Public Safety
- 9.0 The Prevention of Public Nuisance

Relevant information is attached as Appendix 6.

6. Section 182 Guidance

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

- 2.1 – 2.6 The Prevention of Crime and Disorder
- 2.7 – 2.14 Public Safety
- 2.15 – 2.21 The Prevention of Public Nuisance

Relevant information is attached as Appendix 7.

7. For Decision

The Sub-Committee is asked to determine the application to vary 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 2018)

Contact: Karen Robson

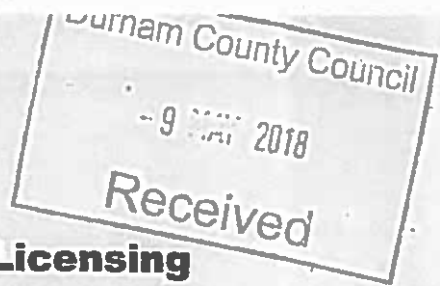
Tel: 03000 265104

Email: karen.robson2@durham.gov.uk

APPENDIX 1 – LOCATION PLAN



**APPENDIX 2 – APPLICATION TO VARY THE
PREMISES LICENCE**



by 8/6

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

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We CAROL MADELEY Westica Catering Co. Ltd
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
THE LOUNGE 21 NORTH TERRACE			
Post town	SEAHAM	Postcode	SR77EU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 6,600.00

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	

Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect? DD MM YYYY

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Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To open earlier for breakfasts.
 extend hours for sale of alcohol on
 Friday / Sat / Sun.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

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Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue			State any seasonal variations for performing plays (please read guidance note 6)		
Wed			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details (please read guidance note 5)</u>	
Day	Start	Finish		
Mon			<u>State any seasonal variations for indoor sporting events (please read guidance note 6)</u>	
Tue				
Wed				
Thur				<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)</u>
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Tue					
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue			State any seasonal variations for the performance of dance (please read guidance note 6)		
Wed			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon								
Tue								
Wed								
Thur						Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	11.00	01.00						
Sat	11.00	01.00						
Sun	11.00	23.00						

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	09.00	22.00	opening earlier for breakfasts
Tue	09.00	22.00	
Wed	09.00	22.00	
Thur	09.00	22.00	
Fri	09.00	21.30	
Sat	09.00	21.30	
Sun	10.00	23.30	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

b) The prevention of crime and disorder

2 SIA door persons from 21:00 - close of
business on Friday, Saturday & Bank Hol Sunday

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town		Post code	
Telephone number (if any)			

APPENDIX 3 – REPRESENTATIONS

From: Daniel Darnton
Reduction Unit

On Behalf Of Alcohol Harm

Sent: 31 May 2018 18:48

To: Carol Graham - Licensing Assistant (N'hoods)

Cc: AHS Licensing <Licensing@durham.gov.uk>; Aimee Guest

Caroline Dickenson

Subject: FW: Licensing - variation application received - the Lounge, Seaham

Good Evening,

Durham Constabulary would like to object to the below application under the grounds of public nuisance and the prevention of crime and disorder.

Application for variation of the licensing hours of The Lounge, 21 North Terrace, Seaham

The Police cannot support the application to extend the hours of these premises.

The premises were granted conditional planning consent on 26th January 2016, planning reference number DM/15/00497/FPA refers, condition 5 of that consent restricts the hours of opening to 2300 hrs, the purpose of the condition being to protect residential amenity.

With the extra footfall expected with the increase of hours we do not support the application as we believe it will increase public nuisance including crime and disorder.

If the Applicant wishes to extend their hours of operation they should first apply to the Planning Authority for a variation of condition 5, they should note that the Police will be opposed to any such application as there has been no material change to the original grounds for the condition.

Steven Drabik

Architectural Liaison Officer
Durham Constabulary

From: S Maddox
Sent: 20 May 2018 11:01
To: AHS Licensing
Subject: The Lounge, 21 North Terrace, Seaham

Categories:

Dear Sir or Madam

With reference to the above mentioned property I wish to place my objection regarding the opening times.

This area is residential and putting the profits of this business above those of local residents is a disgrace. Having to put up with such late opening hours everyday of the week is just not fair. There is a residential house only two doors away and I wonder if the DCC have put any thought into their quality of life should you allow this to happen.

I walk my dogs around the green (where Tommy is situated) in the evenings. Last night it was about 9.30pm. The noise coming from this business was so loud it was appalling. Every time the front door was opened the music was blaring out and was excessive. Perhaps you and a noise abatement officer should check on this personally.

Also there were a number of taxis blocking part of the road whilst waiting for their customers to exit the building. At one time, one taxi was double parked next to parked vehicle on the building side and another was parked on the opposite side only two car lengths away. This made the road one car wide for passing traffic and a mini chicane. The one on the building side was parked for over ten minutes. This should not be happening, not just at this time but if you grant them a 2am licence then the noise of opening and closing of the car doors will also be a nuisance as well as more air pollution.

I believe that a late night licence in this residential area is inappropriate. The area has already received a vast amount of money to improve the area and if we get a excessive drinking and disruption in the area we will be reducing the attraction for visitors as well as local residents.

I understand that in the past there were such licenses approved and that there was much disruption to the local residents caused by people drinking excessively and getting drunk yet now the DCC think this is alright. It is not!

This causes antisocial behaviour and the lives of locals are not being taken into consideration.

What are the noise regulations for the area? I would wish to know this.

Also should more antisocial behaviour occur because of your decision, where will the extra policing that will b needed, come from? I believe that there are insufficient police resources to deal with all of this.

The local residents should be put first and I object to the late night opening of this premise.

Regards
S.Maddox

From: P Aylott
Sent: 03 June 2018 12:50
To: AHS Licensing
Subject: variation of alcohol licence at 21 North Terrace Seaham

Categories:

I have already raised my objections in writing about the sale of alcohol at 21 North Terrace, Seaham.

The premises known as "The Lounge" is supposed to be a cafe selling alcohol with food. They are, however, operating as a pub with music and people drinking and smoking in the street. It is listed as category A3 which is licensed to sell food. It is, however, operating as a pub as A4 without permission or even an application for change of use.

This in itself is deeply concerning for the residents of North Terrace, Bath Terrace, Tempest Road, Marquess Point and North Road. These establishments create unwelcome noise, anti-social behaviour along with broken glass, cigarettes and vomit on the pavement. This disturbance (with your approval) would be set to increase to 1am and beyond which adversely affects the residents' quality of life. I work seven days a week, my neighbours work at number work shifts and need to sleep at odd times.

Our quality of life should take priority over the profit of one or more business.

I look forward to hearing from you on this matter.

Dr P Aylott (resident North Terrace)

F Aylott
North Terrace,
Seaham,
County Durham
SR7 7EU

Friday 25th may 2018

To whom it may concern,

I am writing in relation to the application to vary the premises license of 21 North Terrace, Seaham.

The premises, known as 'The Lounge', owned by the Westlea Catering Company, is seeking to extend their alcohol licence to 1am on Fridays and Saturdays and to 11pm on Sundays. As a resident just a few doors away, I wholeheartedly object.

Firstly, I object on the grounds that there is no need to extend the licence to such an extent as alcohol consumption already causes more than enough anti-social behaviour, noise and litter. North Terrace is a primarily residential area and we do not wish further disturbance of this nature.

Secondly, The Lounge is operating as a bar with loud music and people drinking in the street. This is illegal anyway. They are registered as an A3 premises to operate as a cafe, however, they are flouting the law and are operating as a bar with loud music and people consuming alcohol on and off the premises. They have not applied for a change of use to A4 to enable them to operate as such.

These views are held by many other residents and I am sure you will be hearing from them soon. The council has a duty to regulate the density of premises selling alcohol. I feel we have reached a limit which, if to increase, would be unbearable for residents and remiss on your part.

Please do not hesitate to contact me at the above address if you need any further comments on the matter.

Yours faithfully,

F Aylott

From: F. Dunca
Sent: 30 May 2018 23:36
To: AH5 Licensing
Subject: Objection to extended hours at 21 North Terrace, Seaham "The Lounge"

Categories:

Dear Sir/Madam

We, the residents of North Terrace, strongly object to the application for extended hours at "THE LOUNGE" 21 North Terrace, Seaham.

Until three years ago,(2015) this was a an ordinary residential house.

The property was then converted to a café/takeaway business with a license to serve alcohol with a meal (A3 A5) New tenants took over the running of this establishment to operate as a Bistro/café,Gin Bar opening as "The Lounge" on 3 May 2018.

Since that date, on a Friday and Saturday nights, we have been affected by the noise and disorder coming from that establishment in the evenings.

Loud music blaring from open doors.

People outside the establishment smoking and drinking on the pavement, practically outside our front door.

This can be intimidating to members of the public having to pass through these groups as the travel along the street.

Groups of people talking and shouting until late in the evening causing us to have to close our windows to try to drown out the noise.

Taxis arriving and departing, with doors slamming and shouting till 12.00am +.

This premises may operate as an eating establishment during the day, but in the evenings on a weekend is operating as a public bar selling alcohol without meals despite only having A3 A5 permission.

This has greatly affected our quality of life and extending the hours till 1.00 am will have a big detrimental effect on us and the other residents of North Terrace and adjacent streets.

We already suffer the effects of people drinking in other parts of the town, travelling home along the sea front making noise as pass and have witnessed people urinating between cars in front of our house, and fights/arguments as they make their way home. Having an establishment serving alcohol till 1.00am,2 doors from our house (which as I mentioned earlier, was an ordinary house until three years ago) will have a very adverse affect on our lives. We strongly urge you to reject this application.

Yours faithfully

Mr. & Mrs. Duncan
North Terrace

From: S WALTON
Sent: 06 June 2018 12:22
To: AHS Licensing
Subject: Objection to Licensing Application by the Lounge 21 North Terrace Seaham SR7 7EU

Bath Terrace
Seaham
County Durham
SR7 7EZ

6th June 2018

Dear Sir/Madam,

Letter of Objection relating to Licensing Application by the proprietors of The Lounge, 21 North Terrace Seaham

I write to object to the application made relating to The Lounge at 21 North Terrace for the extension of licensing to 01.00 Friday and Saturday, and 23.00 on Sunday.

My family have lived on Bath Terrace for over 20 years and have welcomed the majority of changes to make Seaham a vibrant and welcoming coastal destination. However, the neighbourhoods of North Terrace, Marquis Point, Bath Terrace, Hawthorn Square, and Tempest Road are established residential areas; any changes must come with courtesy afforded to those who live here. It is not usual for extended licensing on North Terrace, and the effect of extended drinking will inevitably lead to an increase in anti social behaviour and noise for residents.

In the past, licenses have been awarded for live music and alcohol with a disastrous effect on the local community and without any consideration for residents. This resulted in sleepless nights and had a detrimental effect on wellbeing; this only stopped when those businesses closed. With extended licensing encouraging increased alcohol consumption, the same issues are likely to remerge and be exacerbated.

I have listed below the issues experienced in the past:

- Doors to the premises constantly opening and closing as people take to the street to smoke, or left open permanently to cool the premises, creating continuous and unacceptable noise pollution.
- Cigarette butts and glasses littering the streets.
- Taxis sounding their horns until midnight or later collecting customers, and double parking with their engines running.
- Customers spilling out onto the street and onto Terrace Green, particularly in the Spring and Summer months, and smashing and leaving discarded glasses on the pavements and grass area;

these are all hazardous to pedestrians, mobility-scooters, cyclists, and dog walkers, to name but a few.

- Customers being loud, aggressive, and anti-social both outside the premises and in the local area as they make their way home or wait for transport. There were many fights and scuffles as well as ambulances and police in attendance over the period.
- An increase in petty crime caused by alcohol induced anti social behaviour.
- Revellers urinating against the walls of other premises on North Terrace.
- Proprietors of such establishments not taking any responsibility for the impact their customers had on the neighbourhood.

This state of affairs mainly predated the installation of Tommy and the pride that we all feel about the area. Is it in anyone's interest to compromise what has been achieved for the town through the development of the seafront? Seaham has built a new brand in the regeneration as a welcoming and inclusive family destination but this would be jeopardised by extended licensing and everything that comes with it.

The Lounge is the latest bar to open on the Seafront and the application comes hard on the heels of an application to extend licensing to 1am by The Port of Call at 6a North Terrace. These business are actively operating on the public pavement, with table and chairs outside. It would be completely unacceptable for customers to be drinking outside in a public area to the early hours of the morning in the midst of residential properties with families trying to sleep. The lounge has been developed without a dedicated smoking shelter and so customers are in and out smoking on the street, and it does not have a double door lobby entrance to manage sound levels. Already, with normal licensing hours, there is a marked increase in people on the pavement until midnight since The Lounge has opened. The thought of this happening until 2.00am over the weekend fills me and my neighbours with complete dread.

There are many other properties on North Terrace yet to be developed or occupied for commercial activity. If one bar is given extended licensing this will be the tip of the iceberg as other business premises jump on the bandwagon. The established residential area needs to be protected for the well being of the people who live here; residential property in the catchment area heavily outnumbered commercial premises despite the increase in businesses opening over the last few years. There has been a lack of consultation with residents about the development of commercial premises on the seafront and the detrimental effect of late night opening on those who live here. Residents have also invested in making the area a great place for the community and visitors. Having thriving and responsible businesses open until 11pm and providing good food is one thing, but this area is not appropriate for extended licenses for alcohol or music into the early hours.

I respectfully request that the planning committee declines this application.

Yours sincerely,

S Walton

From: J Pemberton

Sent: 05 June 2018 19:59

To: AHS Licensing <Licensing@durham.gov.uk>

Subject: Westlea Catering Co Ltd - Application to vary hours - The Lounge, 21 North Tce, SEAHAM

Dear Sir/Madam,

In respect of the above application to vary hours of opening, I would like to raise my concerns and do not support the extension of the existing opening hours. As a resident of Bath Terrace, in close proximity to the venue, this seems inappropriate for what is essentially a residential location. North Terrace, part of the Seaham conservation area, is a vibrant family-oriented destination, with most of the premises operating in daytime hours - the heritage and history of the Terrace Green area, together with the outlets on North Terrace provide visitors with a satisfying and pleasant experience.

The pubs, however, are aimed principally at an adult market and, sadly, the behaviour of visitors to these venues, even within the current opening hours, leaves a lot to be desired. Shouting, noise (from amplified music, taxis arriving/leaving and vocal customers), drunken behaviour, vomiting, litter, empty/half-full/smashed bottles and glasses are experienced by residents in the area on a regular basis.

Several residents have voiced their concerns about another application to vary hours by the Port of Call pub (6 North Terrace), and Durham Constabulary have also expressed their reservations too. In this regard, this application, to vary the hours of opening, is similar and therefore any objections submitted previously are clearly appropriate here.

Pubs, like other businesses, need to be economically viable - this should be achievable within the current operating hours (up to 10.00pm most days, except 11.00pm on Friday and Saturday) - such hours seem reasonable and I have no objection to the status quo.

In conclusion, whilst I support the arrival of any new well-run and responsible business to the area, its operation needs to be confined to the current licensing hours of the establishment (without permitting the varying of hours as per the application in this particular case) which will still allow a viable business to operate, but be mindful of the residents of the conservation area.

Yours faithfully,

Pemberton
Bath Terrace,
Seaham,
SR7 7EZ

From: Wilson
Sent: 08 June 2018 08:35
To: AHS Licensing
Subject: extended opening hours, The Lounge, 21 North Terrace, Seaham

Dear Licensing Team,

I would like to strenuously object to the extension of opening hours at this premises.

(1) The area around North Terrace is primarily residential not commercial and such licenses are inappropriate in this area. (2) that previous premises which had late licenses on North Terrace caused considerable disruption and disturbance to local residents. (3) that to date the owners of such businesses have singularly failed to manage the problems that their businesses and customers have created; and (4) that local noise regulation controls are insufficient to protect the interests of local residents. These points are explained in more detail below.

Regarding Point (1): There are a small number of businesses along North Terrace. However, there are far more residential premises in this area, both at Marquess Point, above North Terrace, behind North Terrace, along North Road, as well as Bath Terrace, Tempest Road and so on. It is not acceptable that this overwhelmingly residential area should have to suffer the considerable negative impact of licensed premises.

(2) I have lived in Seaham, on Bath Terrace for over 18 years. During that time we have endured various premises with late opening licenses and the permission to play music. None of these businesses controlled the noise either from the volume of music played indoors or from the behaviour of their customers entering and exiting the businesses. In the past this has led to drunken and rowdy behaviour into the early hours, which had a detrimental effect on local families with young children and other residents in the area.

(3) When a group of residents and individual people living in the immediate area approached these businesses and asked them to moderate their behaviour, those requests were either ignored or received abusive and uncooperative responses. During the nights when these businesses played music, the internal temperatures of the premises rose and in response all of the businesses (with licenses, who all played music), opened the front doors to their business. This led to considerable noise disruption. When I complained to one business owner, well past midnight when I and my family had been disturbed, the "gentleman's" response was "How is that my F***ing problem?" Other business owners were less rude but their approaches were no less ineffective. The noise remained and caused considerable irritation, loss of sleep and disturbance. This only ceased when each of the offending companies closed down.

(4) During this period, I was one of a number of residents who complained to the local environmental department. On occasions sound recording equipment was placed to measure the noise levels. On each occasion, the noise was "managed" so that the sound was just below an actionable level. As such, there was

no protection available from the local authority and we were left to suffer considerable distress with no recourse to support or redress.

On the basis of extensive personal experience I therefore urge and demand that this application be refused. Seaham has become the "jewel in East Durham's crown" and it is an enormous pity that it is rendered vulnerable by such applications. I very much doubt that such lack of care and attention would be found in areas such as Tynemouth or Northumberland where their local geographical assets appear to be recognised and valued.

I am happy to appear in person to give further information should this be required.

Yours sincerely,

Dr Wilson

From:
Sent: 07 June 2018 15:06
To: AHS Licensing
Subject: Objection to application of vary to 21 North Terrace, Seaham

Categories:

I wish i object to the variation of planning application for The Lounge as it will have an adverse effect on residential amenity in the area, we acknowledge the current unnecessary disturbance and anti social behaviour as this concludes at a reasonable hour but an extension would lead to complaints in the future. This will greatly impact on our family quality of life including education and studying, extending the opening hours will increase taxis and hot food takeaways taking advantage of the extra customers adding to the potential for nuisance. Extending operational hours could radically change alcohol related disorder as research by Durham Constabulary shows that peak times are 11-30 pm - 2-30am which clearly demonstrates the need to protect residential areas, in-conjunction with the Durham County council policy to restrict the hours of operation of licence premises in residential areas to 11pm.

Regards G and P Thompson
Tempest road


APPENDIX 4 – RESPONSES FROM RESPONSIBLE AUTHORITIES

From: Susan Gallimore
Sent: 16 May 2018 12:33
To: Carol Graham - Licensing Assistant (N'hoods); AHS Licensing
Subject: RE: Licensing - variation application received - the Lounge, Seaham

Hello Carol,

Please note that I have no adverse comments to make about this application.

Kind Regards,


Susan Gallimore MCIEH DipIOA
Senior Public Protection Officer
Regeneration and Local Services
Durham County Council
PO Box 617
Durham
DH1 9HZ

From: Carol Graham - Licensing Assistant (N'hoods)
Sent: 09 May 2018 14:38
To: AHRU@durham.pnn.police.uk; Amanda Healy; Christine Edgar; Craig Hudson; EHCP; Graham Blount; Ian Bousfield; Jane Sunter; John Stephenson; LSCB; Lynn Wilson; Planning
Cc: Helen Johnson - Licensing Team Leader (N'hoods); Yvonne Raine; Karen Robson; Les Bolton; Ian Dargue; Laura Cloney; Martin Haigh; Nicola Anderson; Nicola Gill; Rebecca Young; Sarah Robinson - Warden Team Leader (N'hoods); Daniel Mudd; Karen Baker; Kelly Watson - Licensing Assistant (N'hoods); Kelsey Bates; Mary-Anne Hunter; Pamela Woods; Tracey Lock; Valerie Craig
Subject: Licensing - variation application received - the Lounge, Seaham

Dear Sir/Madam

The following application has been received/accepted by Durham County Council and is attached.
The current premises licence is also attached

Les – please can you check the blue notice



Chief Fire Officer: Stuart Errington

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

Date: 14 May 2018

This matter is being dealt with by: Graham Chaytor

Ext:

Our Ref:

Your Ref:

Direct Dial Telephone:

E-mail:

West Lea Catering Co. Ltd,

Dear Sir / Madam,

Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005
The Lounge, 21 North Terrace, Seaham, SR7 7EU

I acknowledge your application dated 11 May 2018 for a Variation to 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

Graham Chaytor
Fire Safety Section



www.ddfire.gov.uk

From: Sean Barry
Sent: 14 May 2018 10:36
To: AHS Licensing
Cc: Carol Graham - Licensing Assistant (N'hoods)
Subject: RE: Licensing - variation application received - the Lounge, Seaham

Good Morning

I have received an application to vary a licence for the establishment: The Lounge, 21 North Terrace, Seaham. SR7 7EU

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

My Ref: SB/2018/055

Thanks
Sean

**APPENDIX 5 – RESPONSE/INFORMATION FROM
PLANNING AUTHORITY**

Contact: Allan Fenwick
Direct Tel:
Fax:
email: planning@durham.gov.uk
Your ref:
Our ref: CON28/18/01073



Environment, Health and Consumer Protection
Annand House
John Street North
Meadowfied
County Durham
DH7 8RS

14/05/2018

For the Attention of Ms C Graham

Proposed Development **Variation of Premises Licence**
Location **21, North Road, Seaham, County Durham, SR7 7EU**

I write further to your recent consultation submitted to and received by the Local Planning Authority on 08 May 2018 in respect of the above development.

As requested and based upon the information provided, on behalf of the Local Planning Authority I can confirm the proposed development will indeed require *Application for Removal or Variation of a Condition Following Grant of Planning Permission* as legislated under the provision of *The Town and Country Planning Act 1990*. Accordingly, the fee for such an application would be £234.00.

As you will recall, the site to which this consultation relates was subject of a previous planning application submitted to and subsequently determined by the Local Planning Authority (*DM/15/03743/FPA: Conversion from C3 Dwelling to a Ground Floor A3/A5 Restaurant/Take-Away, First and Second Floor A1, A2, or A3 Units with Fenestration Changes including Ground Floor Shop Front and Amended First Floor Windows. Approved 26/01/2016*).

As you will be aware, *Condition(s) 5* states *The hours of operation shall not exceed (a) 0900 to 2300 on any day of the week on the ground floor (b) 0800 to 1700 on any day of the week on the first and second floors in the interests of residential amenity in accordance with Policies 1, 35, 102 and 111 of the District of Easington Local Plan.*

Continued...

Regeneration and Local Services
Durham County Council, Regeneration and Local Services, Durham, DH1 5UL
Main Telephone 03000 262 830

At the time of considering the previous planning application, the Local Planning Authority considered the opening hours between 1000hours to 2300hours on the ground floor area and 0800hours to 1700hours on the first and second floor to be an acceptable balance as it would allow the premises to trade effectively in relation to night time uses that are present in the area on the ground floor but would also limit late night impact to residential property in the area.

As you will appreciate, the proposed provision of recorded music, supply of alcohol and extended opening hours of the premises in the evening as identified within your consultation would appear to exceed the current opening hours of the previous planning application and unlikely supported.

Please note the information provided within this correspondence contains informal officer advice made for guidance purposes only and cannot prejudice any future decision of the Local Planning Authority.

I trust this information is of value, however, should you require any further information please do not hesitate to contact me direct.

Yours sincerely

Allan Fenwick
Planning Services

From: Allan Fenwick
Sent: 08 June 2018 16:20
To: Yvonne Raine
Subject: RE: CON28/18/01073...
Attachments:

Good afternoon Yvonne...

As requested, can confirm the Local Planning Authority offers no representation to the consultation other than in addition to the initial comments (14/05/2018) to confirm the Licensee (Carol Madeley) has since submitted an Application for Variation of Condition(s) 5 Hours of Operation pursuant to DM/15/03743/FPA to the Local Planning Authority on 01/07/2018. At present, the application is invalid (see attached - DM/18/01697/VOC). Once valid, all of the key planning issues will be considered by the original Case Officer (Susan Hyde - 03000 263 961). Hope this helps...

Best regards Allan...

From: Yvonne Raine
Sent: 06 June 2018 12:49
To: Allan Fenwick
Subject: FW: CON28/18/01073...
Importance: High

Hi Allan

Please can you confirm whether you wish to make a representation in relation to this licence variation application for The Lounge, 21 North Terrace, Seaham? Or are your comments just for our information?

I require your confirmation as this application is to be considered by the Statutory Licensing Sub-Committee.

The consultation period for this application ends on 8th June 2018.

If you do not wish to make a representation, I can take your comments (already made) forward for Members' information.

If I do not receive a response from you by the 8th June, I will assume that you are not wishing to make a representation/objection under the terms of the Licensing Act 2003.

Regards

Yvonne

Yvonne Raine
Senior Licensing Officer

APPENDIX 6 – STATEMENT OF LICENSING POLICY

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

7.0 The Prevention of Crime and Disorder

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

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

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

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

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

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

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 7 – SECTION 182 GUIDANCE

Crime and disorder

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

appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

¹ S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.