

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 Three Tuns, 3 Association Street,
Shildon, DL4 1EF

1. Summary

The Sub-Committee is asked to consider and determine the application for the variation of a premises licence for The Three Tuns, 3 Association Street, Shildon, received from Mr William Drennan.

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 3rd 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
Provision of Live Music (Indoors)	Monday to Saturday 10:00 until 00:00 hrs Sunday 11:00 until 00:00 hrs
Provision of Recorded Music (Indoors)	Monday to Wednesday 10:00 – 00:30 hrs Thursday to Saturday 10:00 – 01:30 hrs Sunday 11:00 – 00:30 hrs
Performances of Dance (Indoors)	Monday to Saturday 11:00 – 23:00 hrs Sunday 12:00 – 23:00 hrs
Anything of a similar description (Indoors)	Monday to Saturday 10:00 – 00:00 hrs Sunday 11:00 – 00:00 hrs
Provision of facilities for making music (Indoors)	Monday to Saturday 11:00 – 23:00 hrs Sunday 12:00 – 23:00 hrs

Provision of facilities for dancing (Indoors)	Monday to Saturday 11:00 – 23:00 hrs Sunday 12:00 – 23:00 hrs
Anything of a similar description (Indoors)	Monday to Saturday 11:00 – 23:00 hrs Sunday 12:00 – 23:00 hrs
Sale of alcohol (on and off the premises)	Monday to Wednesday 10:00 – 00:00 hrs Thursday to Saturday 10:00 – 01:00 hrs Sunday 11:00 – 00:00 hrs
Current opening times	Monday to Wednesday 10:00 – 00:30 hrs Thursday to Saturday 10:00 – 01:30 Sunday 11:00 – 00:30 hrs
Proposed Licensable Activities	Days & Hours
Recorded Music (Indoors and Outdoors)	Monday to Wednesday 09:00 until 00:30 hrs Thursday to Saturday 09:00 until 01:30 hrs Sunday 09:00 until 00:30 hrs No outdoor music after 10pm. Outdoor music will only be played during spring and summer months
Sale of alcohol (on and off the premises)	Sunday to Wednesday 09:00 until 00:00 hrs Thursday to Saturday 09:00 until 01:00 hrs
Proposed Opening Times	Sunday to Wednesday 09:00 – 00:30 hrs Thursday to Saturday 09:00 – 01:30 hrs

3. The Representations

The Licensing Authority received 17 letters during the consultation period in relation to the variation of the premises licence application.

Cllr Nicholson and Cllr Quinn submitted letters on 17th May 2018 and subsequently withdrew their objections after receiving information from the licensing authority in relation to the applicant's operating schedule, which alleviated their concerns.

The licensing authority have listed the 5 letters which were deemed relevant representations from the following:

- Mrs J Linsley (other person)
- Mr P Ryman (other person)
- Mr C A Ryman (other person)
- Ms D Clinton (other person)
- Mr R Blain (other person)

For member's information, an email was received from Mrs J Linsley which included 10 pre-printed letters in a typed format (details below). The licensing authority attempted to validate these letters, however only received 2 responses.

Mr and Mrs Brass withdrew their representation and Mr and Mrs Bainbridge confirmed their representation should remain.

- Mr and Mrs Bainbridge (other persons) - Validated
- Mr N Abley (other person) – Not validated
- Mr J Hughes (other person) – Not validated
- Mrs L Heaton (other person) – Not validated
- Mr D Young (other person) – Not validated
- M Stevens (other person) – Not validated
- Mr and Mrs Dixon (other persons) – Not validated
- Mrs M Bones (other person) – Not validated
- Mr Walters on behalf of Mrs A Bailey (other person) – Not validated

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.

Mrs Linsley confirmed she was unable to attend the hearing, however she has provided a statement for member's consideration. This is attached as Appendix 4.

Mr Drennan has provided further information in relation to his application. This is attached as Appendix 5.

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 Planning Department
- Durham Local Safeguarding Children Board
- County Durham Fire and Rescue Service
- Durham Constabulary's Alcohol Harm Reduction Unit

Copies of these responses are attached at Appendix 6.

4. Parties

The Parties to the hearing will be:

- Mr William Drennan (Applicant)
- Mrs J Linsley (other person)
- Mr P Ryman (other person)
- Mr C A Ryman (other person)
- Ms D Clinton (other person)
- Mr R Blain (other person)
- Mr N Abley (other person)
- Mr J Hughes (other person)
- Mrs L Heaton (other person)
- Mr D Young (other person)
- M Stevens (other person)
- Mr and Mrs Dixon (other persons)
- Mr and Mrs Bainbridge (other persons)
- Mrs M Bones (other person)
- Mr Walters on behalf of Mrs A Bailey (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 & Disorder
- 8.0 Public Safety
- 9.0 The Prevention of Public Nuisance

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 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 8.

7. For Decision

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

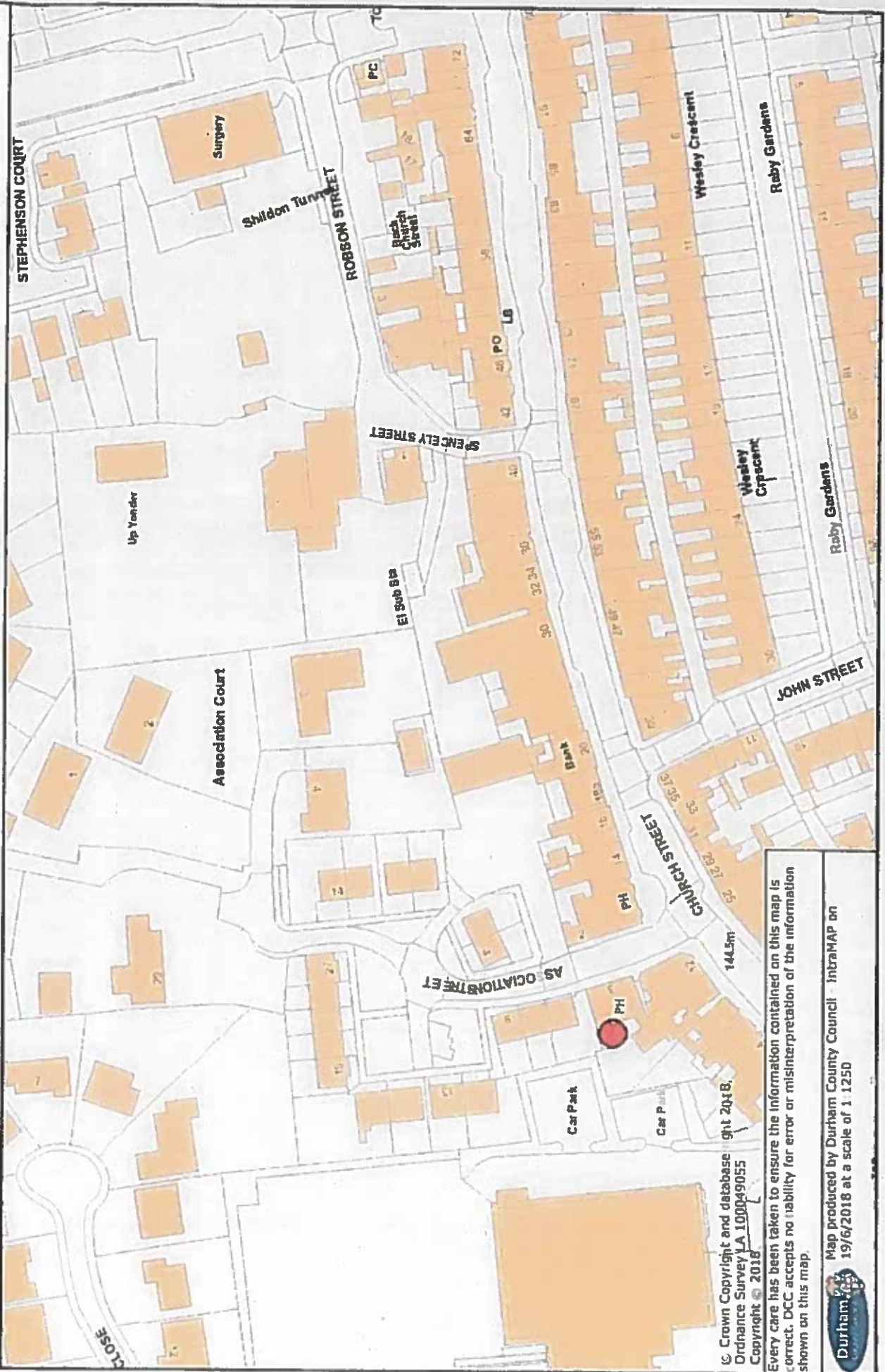
Background Papers:

- 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

Durham County Council - IntraMAP



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

Map produced by Durham County Council - IntraMAP on
19/6/2018 at a scale of 1:1250



APPENDIX 2 – APPLICATION

**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 THREE TONS LEISURE 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 SBCDL 16 PRM0089.

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
<u>3 ASSOCIATION ST</u> <u>SILDON</u> <u>CO DURHAM</u>			
Post town	<u>SILDON</u>	Postcode	<u>DL41EF</u>

Telephone number at premises (if any)	<u>01388 772955</u>
Non-domestic rateable value of premises	£ <u>19750.</u>

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

--	--	--	--	--	--	--	--

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)

2) ① CHANGE TO OPENING HOURS
 ② CHANGE TO SUPPLY OF ALCOHOL.
 ③ CHANGE TO TIMINGS BR RECORDED MUSIC
 ALL TO CHANGE (1+2+3) FROM 10 AM TO 9 AM MONDAY TO SAT AND 11 AM TO 9 AM ON SUNDAY.

MY DAYTIME TRADE + CUSTOMER BASE IS PREDOMINANTLY SENIOR CITIZENS I HAVE A CLUB OF AROUND 100 MEMBERS ALL OVER 60. MANY COME OUT EARLY EACH MORNING FOR PENSIONS BREAKFAST AND EARLY MORNING SHOPPING IN THE NEARBY BTM WHILE ITS QUIET. MANY HAVE ASKED IF ITS POSSIBLE TO OPEN EARLIER, FOR CONVENIENCE AND TOILET FACILITIES.

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:

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"/>
Day				Start	Finish
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
			<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>		
Tue					
			<u>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)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			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)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place 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 (please read guidance note 5)</u>		
Mon					
Tue					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Wed					
Thur					
			<u>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)</u>		
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</u> – 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 performance of live music (please read guidance note 6)		
Tue					
			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 (please read guidance note 7)		
Wed					
Thur					
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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09.00	0.30	Please give further details here (please read guidance note 5) NO OUTDOOR MUSIC AFTER 10PM	Both	<input checked="" type="checkbox"/>
Tue	09.00	0.30			
Wed	09.00	0.30	State any seasonal variations for the playing of recorded music (please read guidance note 6) OUTDOOR MUSIC WILL ONLY BE PLAYED DURING SPRING AND SUMMER MONTHS		
Thur	09.00	1.30			
Fri	09.00	1.30	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)		
Sat	09.00	1.30			
Sun	09.00	0.30			

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			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Thur					
Fri			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)		
Sat					
Sun					

I

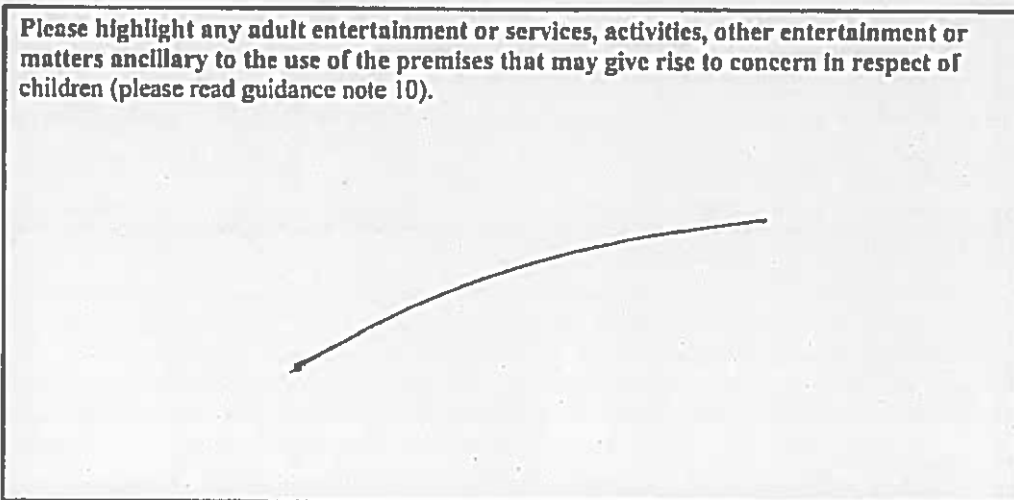
Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment (please read guidance note 6)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)</u>		
Fri					
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 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	09.00	00.00						
Tue	09.00	00.00						
Wed	09.00	00.00						
Thur	09.00	01.00						
Fri	09.00	01.00						
Sat	09.00	01.00						
Sun	09.00	00.00						
						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)		

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).



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	00.30	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)</u></p>
Tue	09.00	00.30	
Wed	09.00	00.30	
Thur	09.00	01.30	
Fri	09.00	01.30	
Sat	09.00	01.30	
Sun	09.00	00.30	

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)

MY WIFE AND I BOTH COVER THE EARLY MORNINGS AND WILL CONTINUE TO DO SO
NO SALES OF ALCOHOL TO ANYONE WHO APPEARS TO HAVE ALREADY BEEN DRINKING.
ENSURE CUSTOMERS LEAVE QUIETLY ON EARLY MORNINGS

b) The prevention of crime and disorder

NO EARLY ALCOHOL SALES TO ANYONE WHO APPEARS TO HAVE ALREADY BEEN DRINKING.
CLOSELY MONITOR DRINKING VOLUMES THROUGHOUT MORNING.
BRING STAFF UP TO SPEED ON TAKEOVERS.

c) Public safety

REFUSE SERVICE TO ANYONE WHO APPEARS TO ALREADY BEEN DRINKING.
DECLINE ALCOHOL SALES FOR ANYONE DRINKING TOO MUCH
ENCOURAGE NON ALCOHOLIC OPTIONS.

d) The prevention of public nuisance

MONITOR ALCOHOL CONSUMPTION DECLINE FURTHER SERVICE IF NECESSARY.
REEMPHASISE LEAVING PREMISES IN A QUIET AND ORDERLY FASHION
ENCOURAGE TAXI'S TO PICK UP AT REAR OF PREMISES.

e) The protection of children from harm

REFUSE SERVICE TO ANYONE WITH CHILDREN WHO APPEARS TO HAVE ALREADY BEEN DRINKING
REFUSE SERVICE IF NECESSARY THROUGHOUT MORNING SUGGEST NON ALCOHOLIC OPTIONS.
LIAISE WITH TAKEOVER STAFF OF ANY POTENTIAL ISSUES.

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	25-4-2018.
Capacity	DIRECTOR

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)

WILLIAM DRENNAN

Post town		Post code	
Telephone number (if any)			

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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.

APPENDIX 3 – REPRESENTATIONS

Karen Robson

From: J Linsley <
Sent: 16 May 2018 19:51
To: AHS Licensing
Subject: Fwd: Three Tuns Leisure Limited

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir

Further to this email, I would draw your attention to the matter concerning earlier opening hours to serve food. I am sure that most residents would agree that there are three cafes within 50 metres of the Three Tuns and there is no further need for additional food premises.

The notice in the Town Crier made no reference to the matter, but this I am led to believe was disclosed to Councillor Nicholson during a telephone conversation.

I strongly urge you to review the licence in full for the premises for the hours of selling alcohol and the playing of music and live music. We are strongly contesting the variation of hours proposed, in fact we would propose that the hours are shortened to minimize the disturbances incurred by us who reside in the immediate area.

Thank you for your consideration

J Linsley
Association Street
Shildon
DL4 1EF

----- Forwarded message -----

From: J Linsley <
Date: Tue, May 15, 2018 at 9:38 PM
Subject: Three Tuns Leisure Limited
To: licensing@durham.gov.uk

Sir,

I refer to the notice for a variation in the licencing hours for the premises know as the The Three Tuns of 3 Association Street, Shildon.

As a resident of Association Street, I am writing to express my concerns with the variation and the existing licence of the premises.

Association Street is a cul-de-sac, consisting of three houses and eight bungalows and five bedsits, with further bungalows in the adjoining Association Court.

The majority of the residents are of retirement age, over eighty and one resident in their late nineties. The majority of the residents in the bungalows have disabilities and are in ill health.

Mr & Mrs [REDACTED] who reside immediately next door (No [REDACTED] are 79 & 82 respectively and enjoy their garden and spend considerably time maintaining their home.

They have had to bring it to the attention of the owner, that the playing of the radio all day long is disturbing their peace and enjoyment of their garden. They have contacted Mr Drennan on a number of occasions concerning the antisocial behavior.

We have lived in the street (No [REDACTED] for several years and have had numerous sleepless nights at the weekend due to the singers at the pub, which is worse during warmer weather as they leave all their windows open. Combined with Anti-Social behaviour, this is making our lives a misery from Thursday through to Sunday and Bank holidays.

We have a five year old whose bedroom is in the rear of the premises. No matter what the weather there is always noise from the beer garden at all hours night and day, invariably she ends up sleeping in our bedroom, at weekends.

We are plagued with cars and taxis coming up and down our street, sounding their horns at all hours, to pick up the customers of the Three Tuns and the Red Lion.

Combined with the customers of the Ladbrooks betting shop, we have more traffic up and down this street than any normal residential cul-de-sac. Over the past few months two vehicles have been damaged and had to have substantial body work repairs.

We and other residents have had to call the police on numerous occasions particularly this year. As an example of the issues, we have had:-

- 1) Gypsies/Young Lads arriving in a white transit flat bed, stripping off and fighting with patrons of the pubs using shovels
- 2) Gangs fighting in the street.
- 3) Numerous drunken brawls in the street, far to many to mention, often reported to to the police
- 3) A young lady attacked with a shoe to the head
- 4) Males urinating in the car park and rear of the Red Lion pub
- 5) Drug dealing in the car park and in front of our house, dealers/customers going in and out of the Three Tuns and the Red Lion
- 6) Glass and bottles being thrown and glass left on roads and pavements
- 7) Cigarette butts strewn all over the pavements and chewing gum everywhere.
- 8) Two girls fighting in which one of the girls sustained a broken jaw
- 9) An altercation where girls where fighting, three males clearly drunk came out of the Three Tuns and drove out of the car park and bundled one of the girls into the back of the van. The other drunk girl got into a red car and drove at the white van hitting the door. Vehicle registration passed to Police.

This incident led me to go to the pub in my nightie to ask the Landlord to come down and sort it out. As the Landlord does not reside on the street, he is not suffering numerous breaches of the peace.

As a result of me phoning Mr Drennan, sent up his wife to express their point of view. Saying they are being targeted and threats have been made as Mr Drennan is the local Chairman of Pubwatch.

I pointed out that their premises is not licenced to sell alcohol before 9am. We and other residents have witnessed people going up the passage at the side of the premises which leads only to the inside of the pub before 9am,

These are known alcoholics. Mrs Drennan strongly denied this. I dispute this as I leave for work before 8am and witnessed this happening on numerous occasions. The premises are open as the cleaner is there at this time.

I highlighted the issue with the noise coming from the beer garden until 3am sometimes, They state that this is due to people eating takeaways in the garden.

I attended a pact meeting several months ago and raised the matter of antisocial behavior and concerning the broken fencing around the garden, This I assume forms part of the licenced premises and is such should not be open 24 hours a day to the customers and the general public.

Who is monitoring the sale of alcohol to people in the garden, there are quite often underage people frequenting the garden, what is not to say that they are receiving drinks from other customers.

Mrs Drennan states that the fence is not their property. However perhaps they should follow the lead of us the other residents and erect secure fencing at our cost to secure our premises.

Mrs Drennan admits that he antisocial behaviour has increased, but puts the blame on the Fox Pub near Cheapside. I do not see the relevance, as they continue to serve these individuals as does the Red Lion.

Mrs Drennan stated they had received threats from individuals that Mr Drennan had barred, yet I witnessed said youths (having given Mrs Drennan a description of those involved in a recent altercation) coming out of their pub.

With regards to the extension to the playing of any form music until 1:30am, this is totally unacceptable to the people who reside in the immediate vicinity both in Association Street and the residential properties on Church Street.

With regards to the extension of the application to extend the times for the sale of alcohol is again unacceptable.

Any extension would have further detrimental effect on the residents, it is unreasonable for us to be subjected to further noise pollution, from music, cars, taxis, patrons and antisocial behavior which will now extend past 1:30am.

Perhaps you could contact the police and obtain records of reported incidents from [REDACTED] and myself Mrs Linsley, to support our concerns,

I have not attended a further PACT meeting as my details were passed to Mr Drennan and he went in to our shop and indicated how displeased he was that I had complained about him,

As Mr Drennan is the Chairman of Pubwatch, I find it disappointing to having to put pen to paper to highlight our concerns with his application. Clearly there is a conflict of interest between him and us the residents.

I hope that our views are given considerable attention, I would be happy to meet in person with a licencing officer to voice my concerns,

Yours faithfully

Mrs J Linsley
● Association Street.
Shildon
DL4 1EF



Mr. P. Ryman
Association Court,
Shildon,
Co. Durham DL4 1EL

15 May 2018

Licensing Services,
Durham County Council,
P.O. Box 617,
Durham DH1 9HZ

Dear Sir or Madam,

I am objecting in the strongest possible terms to the application to vary the licensing activities by Three Tuns Leisure Ltd., at The Three Tuns, 3 Association Street, Shildon, Co. Durham DL4 1EF.

My reasons for objecting are:-

Increased noise resulting in loss of amenity, i.e. peace and quiet,

A possible risk of an increase in anti social behaviour,

Potential late night disturbance to the predominantly elderly residents of Association Street, caused by taxis and other vehicles turning round at the head of the cul-de-sac in order to collect passengers.

Sincerely yours,

Mr. P. Ryman

Durham County Council
18 MAY 2018
Adult & Health Services

Mr. C.A. Ryman

Association Court,

Shildon,

Co. Durham DL4 1EL

15 May 2018

Licensing Services,
Durham County Council,
P.O. Box 617,
Durham DH1 9HZ

Dear Sir or Madam,

With regard to the application to vary the licensing activities by Three Tuns Leisure Ltd., at The Three Tuns, 3 Association Street, Shildon, Co. Durham DL4 1EF.

I object to the application because I believe that the increased licensing for the drinks licence and music licence will result in:-

Increased noise leading to the loss of peace and quiet,

A possible risk of an increase in anti social behaviour,

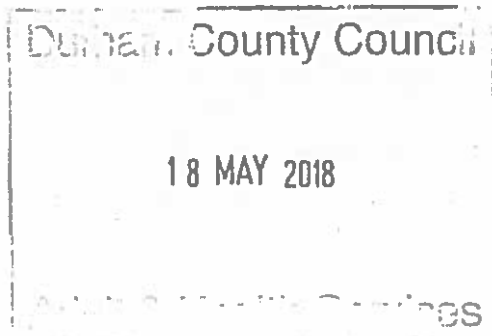
Potential late night disturbance to the predominantly elderly residents of Association Street, caused by taxis and other vehicles turning round at the head of the cul-de-sac in order to collect passengers.

An overall increase to an already busy street,

A possible increase in drink-driving in the area.

Sincerely yours,

Mrs. C.A. Ryman



Durham County Council
Licencing Services
PO Box 617
Durham
DH1 9HZ

To whom it may concern

Re Variation of Licence for The Three Tuns Leisure Limited

As a resident of Association Street & Association Court, we strongly oppose the application to the variance of the hours of sale of alcohol and the playing of music (live or recorded).

We are a residential area consisting of retirement/disabled bungalows and other properties occupied by families, couples and vulnerable persons.

We are of the opinion that any extension to the licences will have further detrimental impact on our lives and the right to live in safe and quiet area which is designated specifically to the resident's needs.

We have witnessed antisocial behaviour, suffered from noise pollution from live and recorded music, sounding of car horns and from taxi cabs.

The premises has a Beer Garden, which is frequented at all hours of the day by customers and other members of the public. Giving noise pollution from both the front and back of the premises.

Some residents have had occasions to contact the police during the worst disturbances, many go unreported.

There has been an increase in recent months of antisocial behaviour, drug dealing, urinating in the street, glass throwing and litter including cigarettes and chewing gum.

If the licence is granted, this would set a precedent for other pubs in the area being granted the same licence should they wish to apply for a variation too.

We urge you to refuse the application and review the existing licence to ensure that we the residents are able to enjoy a peaceful life in the vicinity of the local public houses.

Signed:-

Name I

CLINTON

Address

ASSOCIATION STREET, SHILDON. DL4 1EF

Durham County Council
18 MAY 2018
Adult & Health Services

Durham County Council
Licencing Services
PO Box 617
Durham
DH1 9HZ

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We urge you to refuse the application and review the existing licence to ensure that we the residents are able to enjoy a peaceful life in the vicinity of the local public houses.

Signed:

Name K J. BLAIN

Address ASSOCIATION ST. SHILDON DL4 1EF

Durham County Council
Licencing Services
PO Box 617
Durham
DH1 9HZ

To whom it may concern

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Signed:-

Name D. Banbridge & M. Banbridge
Address ASSOCIATION ST. SPILTON

Durham County Council
Licencing Services
PO Box 617
Durham
DH1 9HZ

To whom it may concern

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We urge you to refuse the application and review the existing licence to ensure that we the residents are able to enjoy a peaceful life in the vicinity of the local public houses.

Signed:-

Name MR N J. ABLEY

Address ASSOCIATION COURT, SHILDON

CO DURHAM DL4 1EL

Durham County Council
Licencing Services
PO Box 617
Durham
DH1 9HZ

To whom It may concern

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We urge you to refuse the application and review the existing licence to ensure that we the residents are able to enjoy a peaceful life in the vicinity of the local public houses.

Signed:-

Name AS

HUGHES

Address ASSOCIATION STREET.

Durham County Council
Licencing Services
PO Box 617
Durham
DH1 9HZ

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Signed:-

Name L

HEATON

Address

ASSOCIATION STREET SHILDON DL4 1EF

Durham County Council
Licencing Services
PO Box 617
Durham
DH1 9HZ

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We urge you to refuse the application and review the existing licence to ensure that we the residents are able to enjoy a peaceful life in the vicinity of the local public houses.

Signer

Name D

 VWUNTB

Address

 ASSOCIATION ST

Durham County Council
Licencing Services
PO Box 617
Durham
DH1 9HZ

To whom it may concern

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We urge you to refuse the application and review the existing licence to ensure that we the residents are able to enjoy a peaceful life in the vicinity of the local public houses.

Signed:-

Name M Stewart

Address ASSOCIATION STREET

Durham County Council
Licencing Services
PO Box 617
Durham
DH1 9HZ

To whom it may concern

Re Variation of Licence for The Three Tuns Leisure Limited

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We urge you to refuse the application and review the existing licence to ensure that we the residents are able to enjoy a peaceful life in the vicinity of the local public houses.

Signed:-

Name Ms J. Dixon Mr S. Dixon

Address ASSOCIATION COURT SHILDON

Durham County Council
Licencing Services
PO Box 617
Durham
DH1 9HZ

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We urge you to refuse the application and review the existing licence to ensure that we the residents are able to enjoy a peaceful life in the vicinity of the local public houses.

Signed:-

Name

Mrs M E Bones

Address

ASSOCIATION ST SHILDON CO DURHAM

Durham County Council
Licencing Services
PO Box 617
Durham
DH1 9HZ

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We urge you to refuse the application and review the existing licence to ensure that we the residents are able to enjoy a peaceful life in the vicinity of the local public houses.

Signed:- M. Walters . on Behave of

Name MRS A BAIKEY

Address Association Street - Shildon.

**APPENDIX 4 – MRS LINSLEY'S
STATEMENT**

To whom it may concern

With regards to the application for an extension to the sale of alcohol and playing of live and recorded music at the premises known as the Three Tuns in Association Street, Shildon, we the residents of Number strongly oppose the application.

We are a small cul de sac made up of elderly residents in their 70's, 80's and late 90's most of which have poor health and some with learning difficulties and disabilities and ourselves a family. They too are being subjected to continual disturbances. Due to their age and ill health they are unable to attend today, however they have signed the petition which we forwarded to the licencing office.

Given that we are being disturbed at night, we strongly oppose a 9am licence for the sale of alcohol and playing of any form of music. This means at the weekend we will only have 7.5 hours with respite from music and breaches of the peace.

We understand that the application to extend the hours is due to competition in the local area from a new establishment which serves food and alcohol from 8am, this was disclosed to our local councillor during his telephone call to the licencing office.

There are three cafes in the area serving food from 8am, and see that a further outlet serving food is not necessary. The cafes are Costa Coffee, K's Diner and the Corner Café all within 30m of the Three Tuns.

We also oppose any form of music being broadcast/played in the beer garden any month of the year. We are already subjected to all the windows in the pub being open all year round and having to endure music in to the early hours.

As our child has chest problems, we cannot open the windows to allow fresh air in on a night due to the volume of the singers and the music that are transmitted from the front and rear of the premises.

I note that you have not notified us if the Three Tuns has a licence for Indoor Sporting Events are they permitted to show televised events?

We have had ongoing breaches of the peace in Association Street, resulting in numerous phone calls to the police to report fighting and antisocial behaviour both in the street in front of the Three Tuns and in the beer garden. Other residents have reported incidents to the police too. The last occasion resulted in me going into the pub in my nightwear to request the landlord come down to the pub to sort out the disturbance caused by his customers.

We have witnessed some very violent incidents, and as with any incident, people who pass the end of our street be it in a vehicle or on foot, increase the number of those involved. This sprawls out in to Church Street and we have witnessed cars doing handbrake turns and reversing the wrong way up and down the street, causing further disturbances.

We have a small child who frequently is disturbed by customers in the beer garden and invariably has to sleep in our bedroom Friday, Saturday & Sunday. Most weekends we are subjected to antisocial behaviour at the front of the house, so we all have disturbed sleep.

We have witnessed drug dealers/users coming out of the pub and dealing/using drugs in front of our house and in the public car park behind the Red Lion. Also people urinating in the street and even couple performing sex acts in the car park.

During the worst periods of the antisocial behaviour glasses and bottle are thrown and glass is left in the street. As the residents park their cars in the street, they are at risk of damage at weekends.

Recently two cars were damaged resulting in the residents having to pay for their vehicles to be repaired, these were impact damages one of which was caused by a drink driver.

Cigarettes have been strewn all over the pavement, can you imagine the horror of watching your child picking up a cigarette butt and putting it in her mouth and saying look Mummy I am smoking (no one in our family smokes but she was copying those standing outside the doors of the Three Tuns).

I have asked the council again to trim the hedges in the car park in Association Street, so that they can clean up the area for bottles and needles too.

We often refer to our cul de sac to the A1/M as there is so much traffic up and down this street, in particular taxis, who sound their horns at any time of day or night with no respect for us the residents.

It makes no difference having the taxis going to the back of the premises when they still sound their horns. Doors being slammed are also a disturbance. There is a designated taxi rank at the Civic Hall. As the Red Lion closes at 12, we are subjected to the noise from then until the Three Tuns closes and beyond 3am sometimes.

I also draw your attention to the beer garden which is exposed due to the broken fences. The garden is accessible to everyone of any age at any time of the day. There is opportunity for underage drinking, as other customers could potentially purchase alcohol for consumption by minors in the beer garden.

As the landlords wife says that this is not their fence to fix, surely this is irrelevant, it is up to the licensee to take reasonable steps to ensure that they comply with the law.

I have made enquires to B&M Bargains who own the car park to see who is responsible for the fence and shrubbery as the local council are not responsible. I am currently awaiting their response.

Having read the comments on the application, concerning their assurances to ensure that the sale of alcohol would be monitored in the morning, I consider this to be the only reference to the early opening hours, the other comments seem to refer to the late evening.

I refer you to section 6 of the Licencing Act 2003

The prevention of crime and disorder

Public safety

The prevention of public nuisance

The protection of children from harm

With this in mind, we would request you refuse the application.

We will be asking for a review of the existing night time and after midnight hours to be reduced for the sales of alcohol and evening /playing of music. This would bring them in line with the Red Lion and the Lord Elliott Public Houses current late licences which are before midnight.

Mr & Mrs Linsley.

**APPENDIX 5 – INFORMATION FROM
APPLICANT – MR DRENNAN**

December Meeting 6th Dec

4th Nov Three Tuns

Couple arguing male being aggressive, classed as harassment by the police
No public disorder

January meeting 10th Jan

30 Dec Red Lion

Male rang police to say he had been assaulted police are having difficulty contacting him.
No public disorder

1st Jan Red Lion

Female having discussion on phone with boyfriend was being videoed on the phone by 2 other females, an argument then a fight broke out, when the police arrived they advised the pub to close to avoid public disorder
3 females red carded
No public disorder

February Meeting 7th Feb

14th Jan Three Tuns

2 males excluded from Three Tuns tried to gain entry, were refused and left but caused disturbance outside. They are to receive letters reminding them they are excluded from the Three Tuns and could face a lengthy total ban of 18 months.
Public disorder

19th Jan Red Lion & The Three Tuns

Male tried to enter the Red Lion, refused because he is excluded then went to The Three Tuns and was refused service again. Refused to leave, police called but he had left the premises when police arrived
No public disorder

March Meeting 7th march

24th Feb red Lion

4 males fighting then went outside
Public disorder

24th Feb Three Tuns

Male telephoned the police and reported being assaulted by a female because he was videoing her dancing on a table. On investigation female claimed man had been making suggestive comments to her all night, inviting her back to his bungalow and he was actually videoing her backside. Male excluded from Three Tuns
No public disorder

25th Feb Three Tuns

2 females fighting
Public disorder

April meeting 4th April

2nd March Three Tuns

Male kicked in front door of the Three Tuns, entered the premises looking a member of staff he had an altercation with earlier, but the pub was already closed. A male was red carded and charged with criminal damage

No public disorder

3rd March Three Tuns

Male shone a laser pen into an old mans eyes and then punched someone who reprimanded him and left the premises, he is subject to an exclusion order.

No public disorder

3rd march Three Tuns

Male arguing with a party of men he was with punched one of them was asked to leave and left the premises, he is subject to an exclusion order.

No public disorder

4th march Three Tuns

Female arguing with a female member of staff, slapped/ punched her, was asked to leave and left, subject to an exclusion order

No public disorder

18th march Three Tuns

4 males fighting outside pub when police arrived they had gone

Classified by the police as public disorder

May Meeting 2nd May

1st & 2nd April Red Lion & Three Tuns

Female fighting in toilets at Three Tuns, used abusive language when asked to leave by bar staff but left the premises, at pub watch meeting it was reported, she had used abusive language and caused trouble in the Red Lion as well, subject to an exclusion order.

No public disorder

16th April Red Lion

Malicious call to the police, no further details.

No Public disorder

June Meeting 6th June

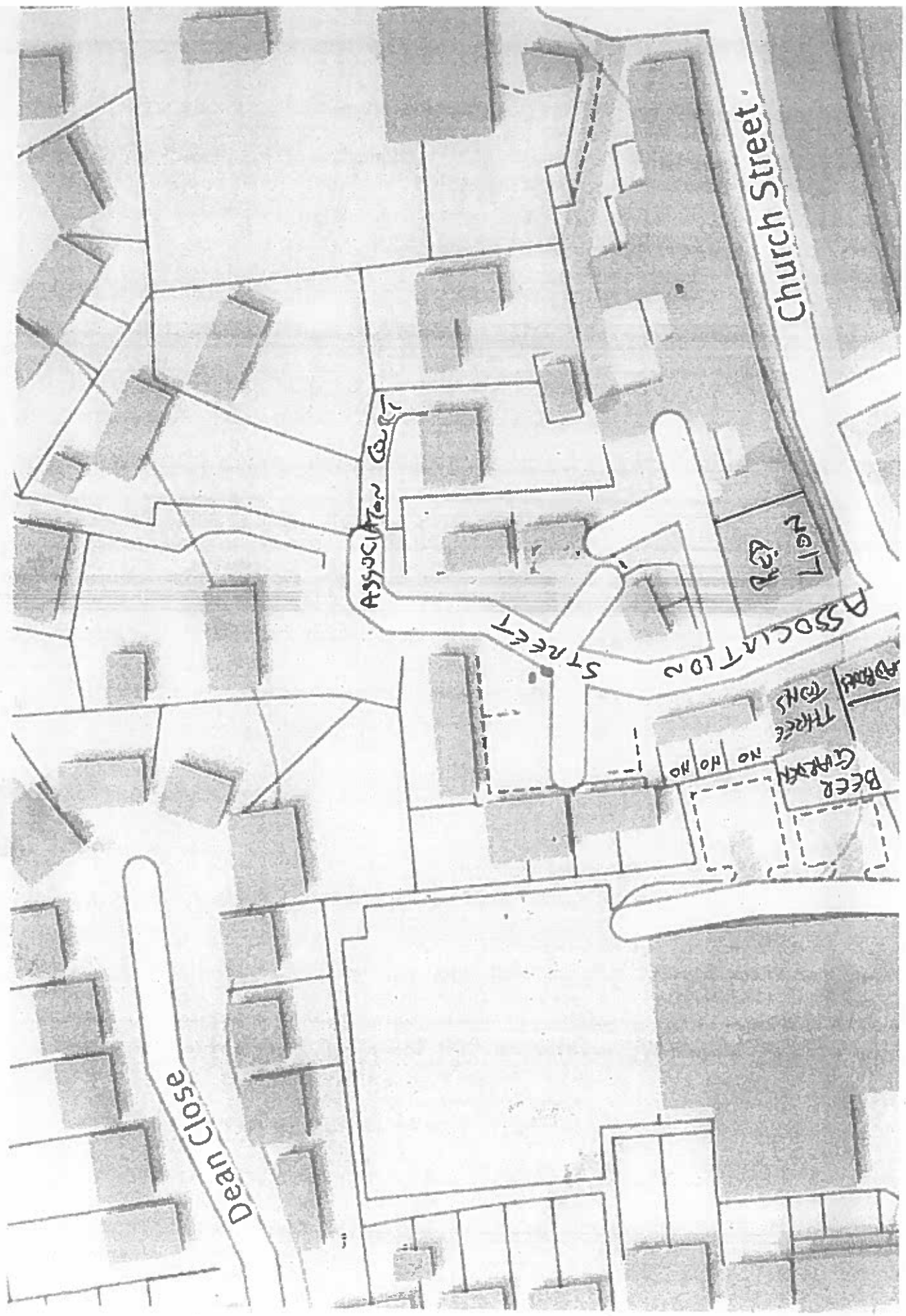
8th May Red Lion

Comments were made about a male's mother and he assaulted another customer, received a yellow card warning and warned any future incidents would result in him being excluded from all pubs

No public disorder

Summary

The above is a summary of all the incidents recorded in the pub watch minutes for the Three Tuns & the Red Lion from November 2017 to May 2018. There were 11 incidents at he Three Tuns and 6 at the Red Lion, 4 of these incidents were classified by the police as public disorder.



**APPENDIX 6 – RESPONSES FROM
RESPONSIBLE AUTHORITIES**

From: Daniel Darnton
Sent: 21 May 2018 13:57
To: Valerie Craig
Subject: FW: Licensing Act - Variation of premises licence received
Attachments: Three Tuns Shildon Variation.01May18.pdf

Good Afternoon,

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

From: FS-Wear
Sent: 18 May 2018 15:55
To: Valerie Craig
Subject: FW: Licensing Act - Variation of premises licence received
Attachments: Three Tuns Shildon Variation.01May18.pdf

No representations from CDDFRS

Fire safety audit will take place on Monday 21st May

Regards

Stuart

Stuart Thew Fd FSI, G.I.Fire E

Senior Business Fire Safety Officer (Bishop Auckland/Newton Aycliffe/Wear and Tees)

Tel:

Mob:

Email

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County Durham and Darlington Fire and Rescue Authority Belmont Business Park, Durham,
DH1 1TW.

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From: Sean Barry
Sent: 03 May 2018 12:26
To: AHS Licensing; Valerie Craig
Subject: RE: Licensing Act - Variation of premises licence received three tuns 3 Association Street, Shildon, Co Durham, DL4 1EF

Good Afternoon

i have received an application to vary a licence for the establishment: Three Tuns 3 Association Street, Shildon, Co Durham, DL4 1EF

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

My Ref: SB/2018/053

Thanks
Sean

From: Hilary Sperring
Sent: 09 May 2018 10:38
To: Valerie Craig
Subject: CON28/18/01050 Application for a variation of Premises Licence, The Three Tuns, 3 Association Street, Shildon

Dear Valerie,

Thank you very much for your recent consultation in respect of the above.

I would advise that I have no comments or objections to make from a planning point of view.

Kind Regards,

Hilary

Mrs Hilary Sperring

Planning Officer | Development Management

Durham County Council
Planning Development (South West)
County Hall
Durham
DH1 5UL

Website: www.durham.gov.uk

Contact Area Office: planning@durham.gov.uk or 03000262830

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**APPENDIX 7 – 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 8 – 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.