

## Statutory Licensing Sub-Committee

24<sup>th</sup> September 2018

### Application for the grant of a Premises Licence



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

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**Name and Address of Premises:** Viaduct, 184 Front Street, Chester le Street, Co Durham DH3 3AZ.

#### 1. Summary

The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for Viaduct, 184 Front Street, Chester le Street, Co Durham DH3 3AZ, received from Mr Satwinder Singh Badesha.

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

#### 2. Details of the Application

An application for the grant of a premises licence was received by the Licensing Authority on 2<sup>nd</sup> August 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 proposed licence activities are listed below:

<b>Proposed Licensable Activities</b>	<b>Days &amp; Hours</b>
Films, Live Music and Recorded Music (Indoors)	Monday to Sunday 11:00 until 01:30 hrs
Late night refreshment (indoors)	Monday to Sunday 23:00 until 01:30 hrs
Supply of Alcohol (on and off the premises)	Monday to Sunday 11:00 until 01:00 hrs  All activities will be extended on New Year's Eve to the start time for licensable activities on New Year's Day.
Proposed Opening Times	Monday to Sunday 11:00 hrs until 01:30 hrs. From the end of opening hours on New Year's Eve to the start of opening hours on New Year's Day.

The applicant has proposed conditions and steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application at Appendix 2.

For Members' information – Durham Constabulary Harm Reduction Unit and Durham Local Safeguarding Children Board mediated with the applicant's agent and agreed additional conditions. A copy of these conditions are attached at Appendix 3.

### **3. The Representations**

The Licensing Authority received one letter during the consultation period in relation to the grant of the premises licence application, from Mr Keith O'Brien of Cestrian Estates Limited.

The licensing authority deemed Mr O'Brien's representation as relevant, relating to the following licensing objective:

- The Prevention of Public Nuisance

A copy of the representation is attached as Appendix 4.

The licensing authority communicated with Mr O'Brien on 3<sup>rd</sup> September 2018 and his contact details were provided to the applicant's agent Mr Matthew Foster to discuss his concerns. The licensing authority have not received any further updates on this matter.

Reponses 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 County Council Environmental Health Department
- Durham County Council Public Health Department
- County Durham Fire Authority

Copies of these responses are attached at Appendix 5.

### **4. Parties**

The Parties to the hearing will be:

- Mr Satwinder Singh Badesha (Applicant)
- Mr Matthew Foster (Mincoffs – Applicant's Solicitor)
- Mr Keith O'Brien (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:

- 9.0 The Prevention of Public Nuisance
- Appendix B - Framework Licensing Hours

Relevant information is attached as Appendix 6.

## **6. Section 182 Guidance**

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

- 2.15 – 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 for the grant of a premises licence in light of the representation 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)

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**Contact: Yvonne Raine**

**Tel: 03000 265256**

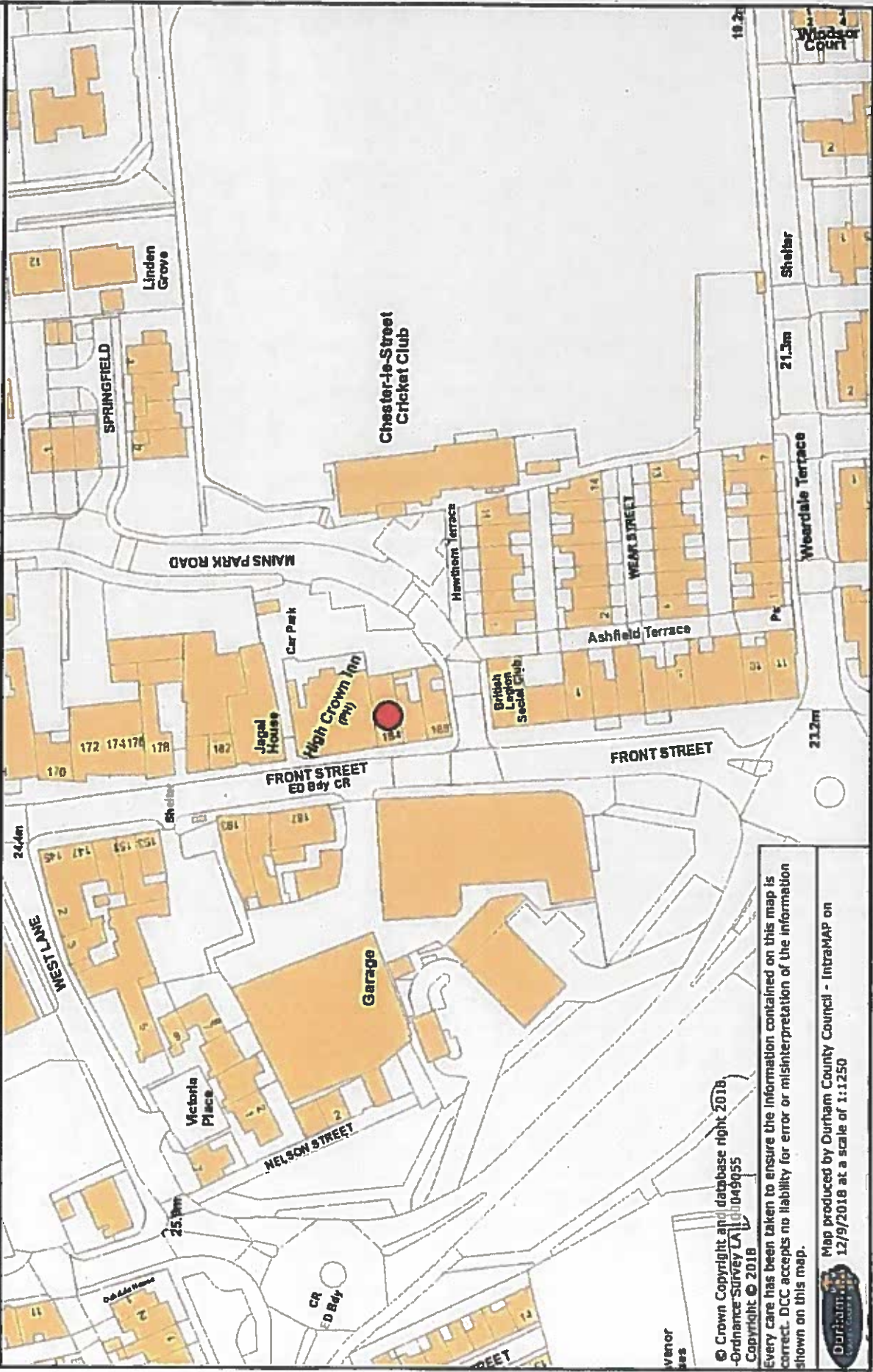
**Email: [yvonne.raine@durham.gov.uk](mailto:yvonne.raine@durham.gov.uk)**

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## **APPENDIX 1 – LOCATION PLAN**

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

# Durham County Council - IntraMAP



## **APPENDIX 2 – APPLICATION**

\* required information

## Section 1 of 21

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

System reference

Not Currently In Use

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

Your reference

MES29/1 - MFLIC

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

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

## Applicant Details

\* First name

Satwinder Singh

\* Family name

Badesha

\* E-mail

:

Main telephone number

:

Include country code.

Other telephone number

:

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

Is the applicant:

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

Applying as an individual

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

Continued from previous page...

**Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

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

**Agent Business**

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

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

Registration number

Business name

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.



Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

Building number or name	Mincoffs Solicitors LLP
Street	5 Osborne Terrace
District	Jesmond
City or town	Newcastle upon Tyne
County or administrative area	Tyne and Wear
Postcode	NE2 1SQ
Country	United Kingdom

**Section 2 of 21**

**PREMISES DETAILS**

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

**Premises Address**

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

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	184
Street	Front Street
District	Chester le Street
City or town	Durham
County or administrative area	County Durham
Postcode	DH3 3AZ
Country	United Kingdom

**Further Details**

Telephone number	
Non-domestic rateable value of premises (£)	10,500

**Section 3 of 21****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 21****INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Satwinder Singh

Family name

Badesha

Is the applicant 18 years of age or older?

Yes

No

Continued from previous page...

**Current Residential Address**

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Applicant Contact Details**

Are the contact details the same as (or similar to) those given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality

Documents that demonstrate entitlement to work in the UK

**Section 5 of 21**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Bar and restaurant

Continued from previous page...

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

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

Yes

No

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

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

Continued from previous page...

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

Will the exhibition of films take place indoors or outdoors or both?

Indoors

Outdoors

Both

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

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

State any seasonal variations for the exhibition of film

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

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

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

The activity will be extended on New Years Eve to the start time for licensable activities on New Years Day.

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

Continued from previous page...

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes  No

Standard Days And Timings

MONDAY

Start 11:00

End 01:30

Start

End

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

TUESDAY

Start 11:00

End 01:30

Start

End

WEDNESDAY

Start 11:00

End 01:30

Start

End

THURSDAY

Start 11:00

End 01:30

Start

End

FRIDAY

Start 11:00

End 01:30

Start

End

SATURDAY

Start 11:00

End 01:30

Start

End

SUNDAY

Start 11:00

End 01:30

Start

End

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

Indoors  Outdoors  Both

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

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

Live music might include small acts at the premises (the size of the unit will dictate what can be provided). Live music  
would likely be solo artists or duets.

Continued from previous page...

State any seasonal variations for the performance of live music

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

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

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

The activity will be extended on New Years Eve to the start time for licensable activities on New Years Day.

### Section 11 of 21

#### PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

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

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

Continued from previous page...

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

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

Indoors

Outdoors

Both

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

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

This will include music which might be played at the premises for the entertainment of customers.

State any seasonal variations for playing recorded music

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

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

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

The activity will be extended on New Years Eve to the start time for licensable activities on New Years Day.

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes

No

**Section 13 of 21**

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

See guidance on regulated entertainment

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



Continued from previous page...

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes  No

Standard Days And Timings

MONDAY

Start 23:00

End 01:30

Start

End

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

TUESDAY

Start 23:00

End 01:30

Start

End

WEDNESDAY

Start 23:00

End 01:30

Start

End

THURSDAY

Start 23:00

End 01:30

Start

End

FRIDAY

Start 23:00

End 01:30

Start

End

SATURDAY

Start 23:00

End 01:30

Start

End

SUNDAY

Start 23:00

End 01:30

Start

End

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

Indoors  Outdoors  Both

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

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

Continued from previous page...

State any seasonal variations

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

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

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

The activity will be extended on New Years Eve to the start time for licensable activities on New Years Day.

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes

No

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

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

Continued from previous page...

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

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

State any seasonal variations

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

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

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

The activity will be extended on New Years Eve to the start time for licensable activities on New Years Day.

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

**Name**

First name

Family name

Date of birth

/  /   
dd      mm      yyyy

Continued from previous page...

**Enter the contact's address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

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

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

None

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

Continued from previous page...

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

State any seasonal variations

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

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

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

The activity will be extended on New Years Eve to the start time for licensable activities on New Years Day.

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

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

*Continued from previous page...*

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

Please see attached Conditions and Operating Schedule.

b) The prevention of crime and disorder

Please see attached Conditions and Operating Schedule.

c) Public safety

Please see attached Conditions and Operating Schedule.

d) The prevention of public nuisance

Please see attached Conditions and Operating Schedule.

e) The protection of children from harm

Please see attached Conditions and Operating Schedule.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

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

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

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

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

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

**Documents which demonstrate entitlement to work in the UK**

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

Continued from previous page...

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

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

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

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

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

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

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### NOTES ON REGULATED ENTERTAINMENT



*Continued from previous page...*

In terms of specific regulated entertainments please note that:

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

Continued from previous page...

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

#### Section 21 of 21

#### PAYMENT DETAILS

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

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

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

Premises licence fees can be calculated by visiting the Department for Culture Media and Sport website at [http://www.culture.gov.uk/what\\_we\\_do/alcohol\\_and\\_entertainment/3193.aspx](http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/3193.aspx)

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

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

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

Details of these additional fees can be found on the website [http://www.culture.gov.uk/what\\_we\\_do/alcohol\\_and\\_entertainment/4040.aspx](http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4040.aspx)

\* Fee amount (£)

190.00

#### ATTACHMENTS

#### AUTHORITY POSTAL ADDRESS

##### Address

Building number or name

Mincalfs Solicitors LLP

Street

5 Osborne Terrace

District

Jesmond

City or town

Newcastle upon Tyne

County or administrative area

Tyne and Wear

Postcode

NE2 1SQ

Country

United Kingdom

#### DECLARATION

Continued from previous page...

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

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

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

\* Full name

Matt Foster

\* Capacity

Applicant Solicitor

Date (dd/mm/yyyy)

02/08/18

Add another signatory

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

1. Save this form to your computer by clicking file/save as...
2. Go back to [https://www.gov.uk/apply-for-a-licence/premises-licence/county\\_durham/apply-1](https://www.gov.uk/apply-for-a-licence/premises-licence/county_durham/apply-1) to upload this file and continue with your application.

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

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

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

**Viaduct,  
184 Front Street,  
Chester le Street,  
Durham,  
DH3 3AZ**

**Operating Schedule**

The premises will operate from a currently unused retail unit, which formerly operated as a hair salon. It will be set over two levels with the trading area being on the ground floor, with the sanitary provision and kitchen area being based on the first floor. Food is to be hoisted direct from the first floor. The applicant wishes to operate a restaurant and bar, to trade 7 days a week from 11:00 to 01:30 close. The premises will offer, and provide, substantial food from opening until 10pm, thereafter operating a limited menu of mostly snacks. A menu is available for information purposes from the licensing authority.

The look of the premises will be industrial loft space combined with classical English, providing a casual dining experience with comfy seats, booths and a relaxed atmosphere. The applicant is allowing for a high spend on the interior to attract a clientele that wishes to engage with the casual dining experience on offer. The premises wish to maintain an inviting appearance to all age groups as well as families. The premises will be open for the majority of the day, from just before lunch.

The applicant will provide honest, uncomplicated food skilfully prepared and reasonably priced. The menu will be seasonal, therefore making use of the best British ingredients when they are available. All food will be cooked to order. There will be different menus for later in the evening, there will be a snack menu and also a children's menu. To accompany a menu which relies upon British sourced ingredients a number of the beverages will also be locally sourced including a handpicked selection of craft beers.

The applicant is not looking to operate a wet led venue, which is clear from the layout and space given over the service of food, although they recognise that the premises will operate in a different way later into the night. The conditions designed to accompany the application take account of the changes that the premises will undergo in clientele throughout the trading period. The premises will be risk assessed, and operated in accordance with that risk assessment. Security will be provided when required and staff will be trained to a high level to identify and prevent incidents from occurring in the premises. The premises will focus on the quality of staff and service.

The layout of the premises is an important factor in designing the trading environment. The majority of customers in the premises will be seated, and table service will be available at all times thus moving away from vertical drinking, which is an environment which can lead to more affecting the

licensing objectives. The music in the premises will be laid back and relaxed to match the décor and menu. Live music might be available on occasion, but only to match the style and characteristics of the venue and mostly limited to either solo acts or duets (since there is not much room for anything else). The level of music will be monitored by staff and management so as not to create issues around public nuisance.

The premises will not operate the section 150 exemption allowing 16 and 17 year olds to consume certain types of alcohol with food, instead operating challenge 21 across the board. The premises will have in place robust measures and training to prevent underage sales of alcohol. The applicant has applied for off sales, but we anticipate the circumstances in which this would be operated would be narrow: probably only with wine and similar products to diners leaving the venue after a meal, and always at the manager's discretion.

The applicant will work with a local taxi company to provide a service to its clientele to travel home safely and will make arrangements for customers where necessary. This will form part of the premises dispersal policy, which will also include monitoring the area outside of the premises for noise escape and any noise being created by customers who might be smoking.

August 2018.

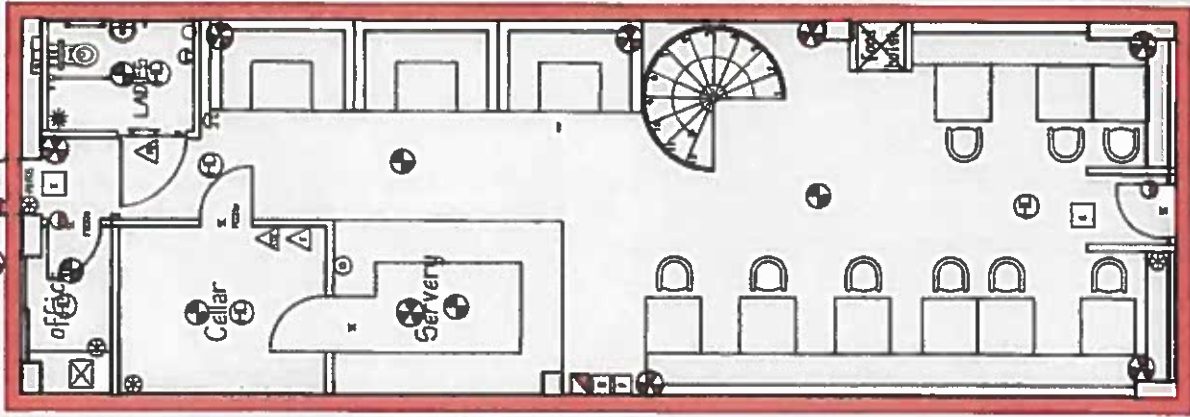
### Proposed Conditions

1. The premises shall operate as a bar and restaurant providing food and drink. There shall be no change to the operating style without proper written notice to the Licensing Authority, which shall include details of the operating style proposed. The Licensing Authority shall advise within 21 days whether a formal application for full or minor variation or a new licence is required and the licence holder shall comply with that direction.
2. The operator shall ensure that at all times when the premises are open for any licensable activity there is sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
3. The operator and designated premises supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events.
4. A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing Authority and in consultation with Durham Police. Such a system shall:-
  - i) be operated by properly trained staff;
  - ii) be in operation at all times that the premises are being used for a licensable activity;
  - iii) ensure coverage of all entrances and exits to the licensed premises internally and externally;
  - iv) ensure coverage of such other areas as may be required by the Licensing Authority and Durham Police;
  - v) provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained on paper or otherwise may be put on tape or otherwise (for a period of 28 days), and shall be supplied to the Licensing Authority or Police Officer on request.
5. The maximum number of persons permitted on the premises at any one time shall not exceed a figure prescribed by the risk assessment carried out by the Premises Licence Holder in accordance with fire safety legislation.
6. The premises will provide a minimum seating inside the premises of 30.
7. Food service will be available from opening until 22:00.
8. Table service will be available at all times the premises are trading.
9. Door supervisors shall be provided on a risk assessment basis.
10. The Designated Premises Supervisor shall ensure that there are effective management arrangements in place to enable him/her to know how many people there are in the premises at times prescribed within the management risk assessment.
11. No noise from the licensed premises, including noise from patrons or amplified regulated entertainment, shall be audible beyond the boundary of the premises so as not to cause nuisance to nearby residents.
12. All windows, entrance doors and exit doors shall remain in the closed position at all times that regulated entertainment is taking place (except for ingress and egress).
13. An operating policy shall be implemented in respect any outside areas used by customers to include staffing, monitoring and general management of the areas on a daily basis.

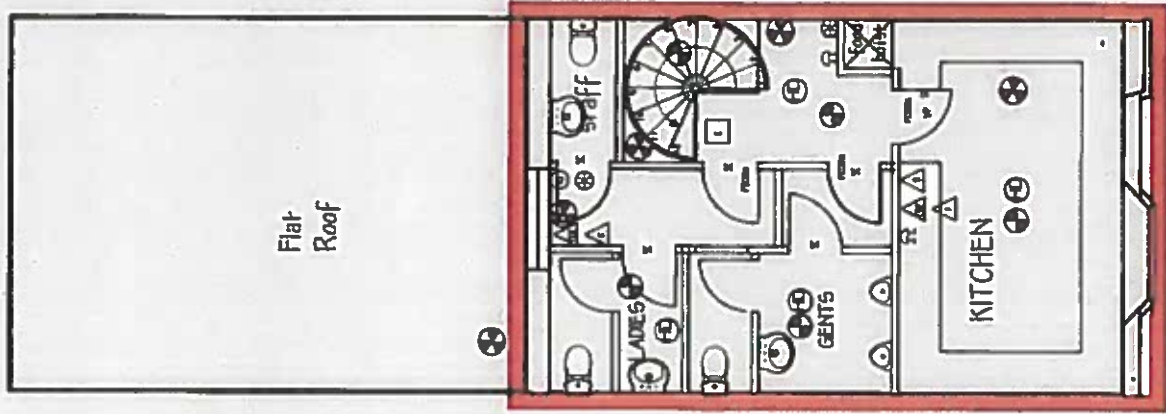
14. No glass material or bottles shall be deposited in any skip, bin or other container of a like nature, located in the open air outside of the premises between the hours of 10.00pm and 8.00am and any such skip, bin or container shall not be removed from the premises between those hours.
15. All members of staff at the premises including door supervisors shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 21 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence or proof of age card carrying a "PASS" logo.

The use of this data by the recipient acts as an affirmation of the following statement:  
 Do not use this data if you do not agree with any of the following statements:  
 All features are approximate and are subject to verification by a certified professional surveyor.  
 The boundary between existing and proposed is indicated by a red line.  
 The contractor/owner of this drawing should use the signed consent of all elements to be created on site. Any  
 consent should be given to the ARCHITECT/ENGINEER/INTERIOR DESIGNER.

Red Edge Indicates Licensed Area



PROPOSED GROUND FLOOR PLANS



PROPOSED FIRST FLOOR PLANS

**FIRE STRIKERS**

- FIRE STRIKE
- △ FIRE EXTINGUISHER 1 LBS OR LESS
- △ FIRE EXTINGUISHER 2.5 LBS OR LESS
- △ FIRE EXTINGUISHER 5 LBS OR LESS
- △ FIRE EXTINGUISHER 10 LBS OR LESS
- △ FIRE EXTINGUISHER 20 LBS OR LESS
- △ FIRE EXTINGUISHER 35 LBS OR LESS
- FIRE EXTINGUISHER 75 LBS OR LESS
- FIRE EXTINGUISHER 100 LBS OR LESS
- FIRE EXTINGUISHER 150 LBS OR LESS
- FIRE EXTINGUISHER 200 LBS OR LESS
- FIRE EXTINGUISHER 300 LBS OR LESS
- FIRE EXTINGUISHER 400 LBS OR LESS
- FIRE EXTINGUISHER 500 LBS OR LESS
- FIRE EXTINGUISHER 600 LBS OR LESS
- FIRE EXTINGUISHER 750 LBS OR LESS
- FIRE EXTINGUISHER 1000 LBS OR LESS
- FIRE EXTINGUISHER 1500 LBS OR LESS
- FIRE EXTINGUISHER 2000 LBS OR LESS
- FIRE EXTINGUISHER 2500 LBS OR LESS
- FIRE EXTINGUISHER 3000 LBS OR LESS
- FIRE EXTINGUISHER 3500 LBS OR LESS
- FIRE EXTINGUISHER 4000 LBS OR LESS
- FIRE EXTINGUISHER 4500 LBS OR LESS
- FIRE EXTINGUISHER 5000 LBS OR LESS
- FIRE EXTINGUISHER 6000 LBS OR LESS
- FIRE EXTINGUISHER 7000 LBS OR LESS
- FIRE EXTINGUISHER 8000 LBS OR LESS
- FIRE EXTINGUISHER 9000 LBS OR LESS
- FIRE EXTINGUISHER 10000 LBS OR LESS

**CCTV system**

- CCTV CAMERA
- ⊗ CCTV VIDEO

**Intruder Alarm System**

- ⊕ INTRUDER DETECTOR
- ⊖ INTRUDER DETECTOR
- ⊗ INTRUDER DETECTOR
- ⊘ INTRUDER DETECTOR

**Simon Bartlett Interiors**  
 simonbartlettinteriors.com  
 24 High Street, Bicester, Oxfordshire, OX25 1EJ, UK  
 01235 835500  
 01235 835501  
 01235 835502

Order to Street, BG 32

Scale 1:1000 A1

Date 25/07/18

Sheet 4 of 36



**184, Front Street, Chester-le-street, Durham, DH3 3AZ**



Plan shown area bounded by: 427470.72, 500607.18, 427568.00, 500445.08, OSO-eVect: KZ27510002. The representation of a road, track or path is no evidence of a right of way. The representation of features 30 feet is no evidence of a property boundary.

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**VIADUCT**

**Existing Front Elevation**

**APPENDIX 3 – ADDITIONAL CONDITIONS  
AGREED BY APPLICANT**

## **VIADUCT, 184 FRONT STREET, CHESTER-LE-STREET –**

### **Additional conditions agreed by applicant following mediation with Durham Constabulary and Durham LSCB**

1. 2 Door supervisors will be employed at the premises on Friday's and Saturday's from 9pm till close (if the premises is to trade past midnight), and at all other times on a risk assessment basis.
2. Under 18's who are not accompanied by an adult will be required to leave the premises after 9pm.
3. All members of staff at the premises including door supervisors shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years (Challenge 25) and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence or proof of age card carrying a "PASS" logo.
4. All staff involved in the sale of alcohol will be trained in respect of the licensing laws and in relation to detecting and preventing underage sales. It shall include proxy purchasing and sales. Training records and manuals will be kept on site and will be made available to the Licensing Authority, Trading Standards and the Police upon lawful request having providing reasonable notice.
5. The premises will operate a refusals register which will be in digital or paper format. This will be retained at the premises for 6 months and will be available for inspection by the Licensing Authority, Trading Standards or the Police upon lawful request and having provided reasonable notice.
6. Our proposed CCTV condition will be amended at v) as follows: provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained for a period of 28 days, and shall be supplied to the Licensing Authority or a Police Officer on lawful request so long as reasonable notice is provided, and otherwise within 2 working days.

## **APPENDIX 4 – REPRESENTATION**



Wednesday, 22 August 2018

Licensing  
P. O. Box 617  
Durham  
DH1 9HZ

Dear Sir/Madam

Re: Applicant Mr Satwinder Singh Badesha

'Viaduct' 184 Front Street, Chester le Street, Co. Durham, DH3 3AZ

Cestrian Estates Limited manages the adjacent property to the proposed 'Viaduct' establishment.

Front Street, Chester le Street, Co. Durham, DH3 3AZ is a residential property, which has been the family home for the past hundred years. For many decades this was the recognised address for the town's plumbing and electrical tradespeople.

Whilst the streetscape has changed around the area, Front Street has remained a house. 184 Front Street has always been a traditional shop, in the sense that it has been a greengrocer and hair salon, both trading within daytime hours and causing no noise nuisance to the resident of Front Street.

The applicant intends to open from 11.00 am till 1.30 am. The submission states that both recorded and live music will be played and alcohol will be available until 1.00 am. This is unacceptable to the quiet enjoyment of occupiers of the adjacent premises. There are a number of other suitable sites available to the north of the premises where potential nuisance would be limited.

Please bear in mind when making a decision on this application the impact that this will have on occupants adjacent.

*Yours*

P. K. O'Brien

## **APPENDIX 5 – RESPONSES FROM RESPONSIBLE AUTHORITIES**

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

---

**From:** Elizabeth McCarroll  
**Sent:** 03 August 2018 11:39  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Subject:** Planning Consultation - 184 Front Street

Dear Carol,

I can confirm planning raise no objections to the licence application at 184 Front Street.

Kind regards

**Elizabeth McCarroll**  
**Planning Officer –Northern Area Office**

Direct Line Telephone Number - [REDACTED]

Regeneration and Local Services  
Planning Development (North)  
Room G73-82  
Durham County Council  
County Hall  
DH1 5UL

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

DCC on Social Media:



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

---

**From:** Ted Murphy  
**Sent:** 07 August 2018 09:41  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Subject:** RE: Licensing - new premises licence application received

Hi Carol,

NAT have no representations to make regarding this premises licence application.

Regards

Ted Murphy  
Senior Environmental Health Officer  
Regeneration and Local Services

T:  
E:

Web: [www.durham.gov.uk](http://www.durham.gov.uk)  
Follow us on Twitter @durhamcouncil  
Like us at [facebook.com/durhamcouncil](https://facebook.com/durhamcouncil)

**Subject:** Licensing - new premises licence application received

Dear Sir/Madam

The following application has been received/accepted by Durham County Council.

1

Application Type - Application for a new Premises Licence  
Applicant: - Mr Satwinder Singh Badesha  
Premises – Viaduct, 184 Front Street, Chester le Street. DH3 3AZ  
Date of Application – 2 August 2018 Last date for representations – 30 August 2018

Please note the last date for representations

**Carol Graham**  
**Licensing Assistant**



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

---

**From:** Sean Barry  
**Sent:** 06 August 2018 13:36  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Subject:** RE: Licensing - new premises licence application received Viaduct 184 Front Street  
Chester le Street DH3 3AZ

Good Afternoon

I have received a new licence application for the establishment: Viaduct, 184 Front Street, Chester le Street. DH3 3AZ

I have no comments or objections to make on behalf of County Durham Public Health.

My Ref: PH/2018/009

Thanks  
Sean

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

---

**From:** FS-Derwentside <|  
**Sent:** 07 August 2018 12:01  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Subject:** RE: Licensing - new premises licence application received

Hello Carol,

I can confirm that the Fire authority have no objections or comments to make in respect of this application.

Kind regards

Dave Mitchelson

**Subject: Licensing - new premises licence application received**

Dear Sir/Madam

The following application has been received/accepted by Durham County Council.

1

Application Type - Application for a new Premises Licence

Applicant: - Mr Satwinder Singh Badesha

Premises – Viaduct, 184 Front Street, Chester le Street. DH3 3AZ

Date of Application – 2 August 2018

Last date for representations – 30 August 2018

**Please note the last date for representations**

**APPENDIX 6 - STATEMENT OF  
LICENSING POLICY**

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

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

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

## **APPENDIX 7 - S.182 GUIDANCE**



## 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.