

# Statutory Licensing Sub-Committee

16<sup>th</sup> October 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:** Applegreen Plawsworth Service Station,  
A167 Northbound, Chester le Street, DH2 3NL

#### 1. Summary

The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for Applegreen Plawsworth Service Station, Chester le Street received from Ms Gill Sherratt, Licensing Matters on behalf of Petrogas Group UK Ltd.

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

#### 2. Details of the Application

An application for a premises licence was received by the Licensing Authority on 5<sup>th</sup> July 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 application is in respect of the following licensable activities and for the hours detailed:

Activities	Days & Hours Requested
Sale of Alcohol (off sales)	Monday to Sunday 07:00 until 22:00 hrs
Opening times	Monday to Sunday 07:00 until 22:00 hrs

The Licensing Authority scheduled a committee hearing on 30<sup>th</sup> August 2018 and the applicants agents was unable to attend and subsequently requested an adjournment under Regulation 11 of the Licensing Act 2003. This was agreed to allow all parties and any witnesses to be present so as to not prejudice the Applicants.

### **3. The Representations**

The Licensing Authority received eleven letters during the consultation period in relation to the grant of the premises licence application. All letters were deemed relevant representations from the following, two Responsible Authorities (namely Durham Constabulary and Durham County Council Public Health) and nine Other Persons (namely Durham County Council's Commissioning Section, six Councillors, one Parish Council and Bridge End Surgery).

- Durham Constabulary (Responsible Authority)
- Durham County Council Public Health (Responsible Authority)
- Durham County Council's Commissioning Section (Other Person)
- Cllr H Liddle (Other Person)
- Cllr B Bainbridge (Other Person)
- Cllr S Wilson (Other Person)
- Cllr A Bell (Other Person)
- Cllr M Wilkes (Other Person)
- Cllr L Brown (Other Person)
- Kimblesworth and Plawsworth Parish Council (Other Person)
- Bridge End Surgery (Other Person)

The relevant representations relate to the following licensing objectives:

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

A copy of the representations are attached as Appendix 3.

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

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

Copies of these responses are attached at Appendix 4.

#### **4. Parties**

The Parties to the hearing will be:

- Petrogas Group UK Ltd (Applicant)
- Ms Gill Sherratt (Licensing Matters on behalf of Applicant)
- Durham Constabulary (Responsible Authority)
- Durham County Council Public Health (Responsible Authority)
- Durham County Council's Commissioning Section (Other Person)
- Cllr H Liddle (Other Person)
- Cllr B Bainbridge (Other Person)
- Cllr S Wilson (Other Person)
- Cllr A Bell (Other Person)
- Cllr M Wilkes (Other Person)
- Cllr L Brown (Other Person)
- Kimblesworth and Plawsworth Parish Council (Other Person)
- Bridge End Surgery (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 5.

#### **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 6.

#### **7. For Decision**

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

**Background Papers:**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (as amended April 2018)

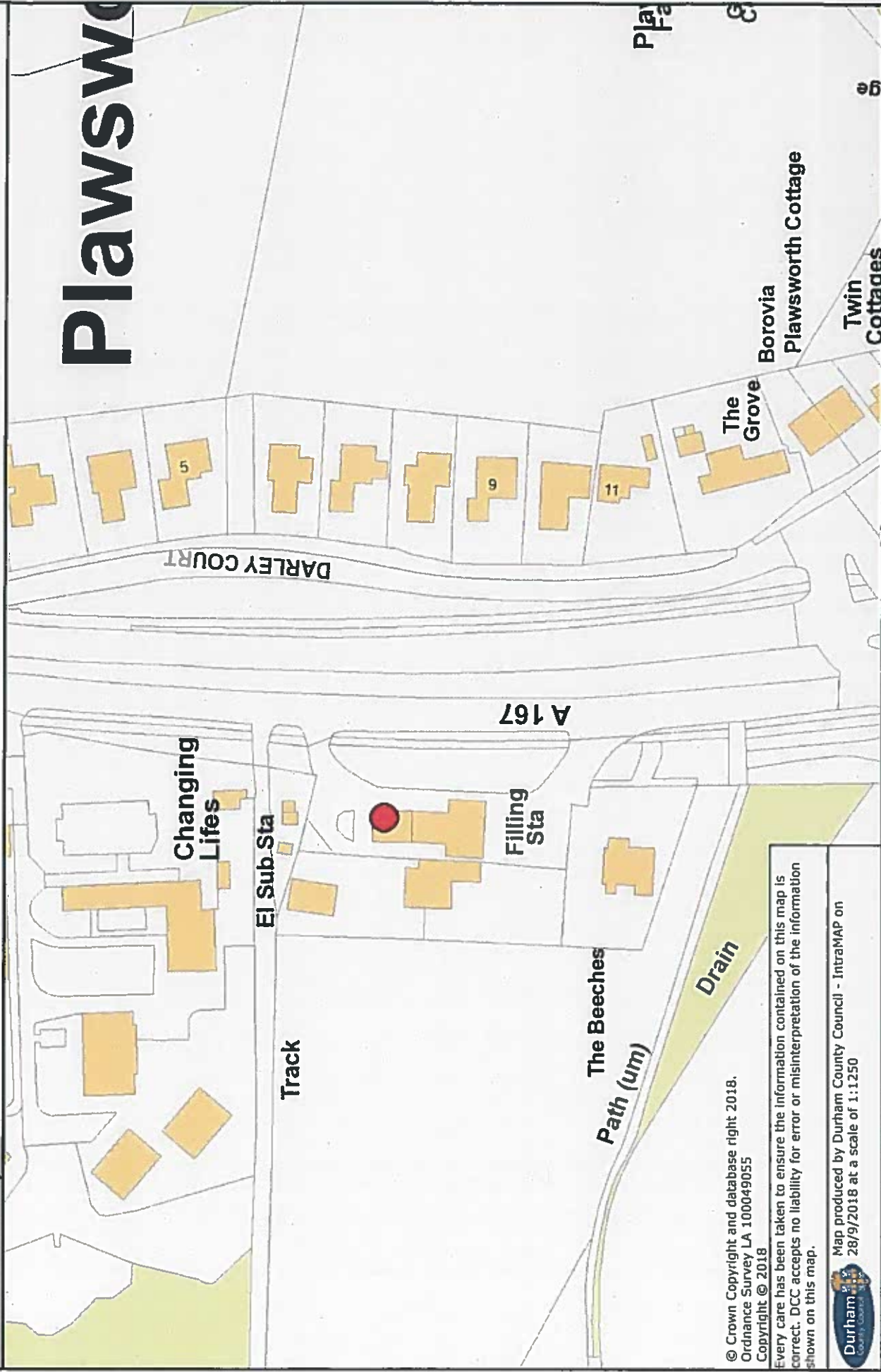
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**Contact: Karen Robson****Tel: 03000 265104****Email: [karen.robson2@durham.gov.uk](mailto:karen.robson2@durham.gov.uk)**

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## APPENDIX 1 – LOCATION PLAN

## Durham County Council - IntraMAP



## APPENDIX 2 – APPLICATION



**County Durham**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@durham.gov.uk](mailto:licensing@durham.gov.uk)  
Telephone: 03000 261016

\* 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

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

PETROGAS GROUP UK Ltd

\* Family name

\* 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.

**Applicant Business**

Is the applicant's business registered in the UK with Companies House?

☒ Yes

☐ No

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

Registration number

05952225

Business name

PETROGAS GROUP UK LIMITED

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company



Continued from previous page...

Applicant's position in the business

Home country

United Kingdom

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

200

Street

STRAND

District

City or town

LONDON

County or administrative area

Postcode

WC2R 1DJ

Country

United Kingdom

Agent Details

\* First name

GILL

\* Family name

SHERRATT

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

☐ A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House?

☒ Yes

☐ No

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

Registration number

05822732

Business name

LICENSING MATTERS Ltd

If your business is registered, use its registered name.

VAT number

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

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**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

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

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

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 21****NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

PETROGAS GROUP UK LIMITED

**Details**

Registered number (where applicable)

05952225

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

Continued from previous page...

Private limited Company

**Address**

Building number or name

200

Street

STRAND

District

City or town

LONDON

County or administrative area

Postcode

WC2R 1DJ

Country

United Kingdom

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth

/  /   
dd mm yyyy

\* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

**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.

The business has recently been taken over by Petrogas who operate over 60 sites with alcohol sales across the UK. This site is a well-established filling station and forecourt with a convenience store located on the busy dual A167 northbound dual carriageway. The store where alcohol is to be sold is a convenience store selling all types of products such as household goods, toiletries, fresh and frozen foods etc. Alcohol will be sold as part of the convenience offering.

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

**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

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

☐ Yes

☒ No

**Section 12 of 21**



Continued from previous page...

### 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?

☐ Yes

☒ No

### Section 14 of 21

### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

### 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 07:00

End 22:00

Start

End

**SUNDAY**

Start 07:00

End 22:00

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.

None.

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.

None

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

**Name**

First name

ANGELA

Family name

ELGAR

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.

None

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.

None

**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.

Staff will be trained before making sales of alcohol in their responsibilities under the Licensing Act 2003. Refresher training will take place at 6 monthly intervals. All training will be documented and made available to the authorities on reasonable request.

From the date of the store opening for trade, the licence holder will provide primary use data on a six-monthly basis to the police and Licensing Authority for a period of 1 year.

**b) The prevention of crime and disorder**

A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 31 days. CCTV images will be provided to the police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images, subject of the provisions of the DPA.

A register of refusals of alcohol will be maintained at the premises. The register shall be examined on a regular basis by the duty manager/ DPS and the date and time of each examination will be endorsed in the register. The register will be made available for inspection by the Police and other authorised officers of the council upon reasonable request.

**c) Public safety**

An incident register will be maintained at the premises and made available to the authorities on request.

**d) The prevention of public nuisance**

All staff at the store will be trained in how to manage any person who they suspect may create a public nuisance in the area of the store. Such people will be asked to leave the area quietly (if safe to do so) an entry will be made in the incident register

**e) The protection of children from harm**

The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25 they will be asked for proof of their age, to prove that they are 18 years or older.

Posters will be on display advising customers of the 'Challenge 25' policy.

The only forms of identification that will be accepted at the premises are a passport, UK photo-card driving licences, & cards bearing the 'PASS' hologram.

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

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

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

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

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

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

## **Section 20 of 21**

### **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

### DECLARATION

[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

GILL SHERRATT

\* Capacity

AUTHORISED AGENT

Continued from previous page...

\* Date

05 / 07 / 2018  
dd mm yyyy

Add another signatory

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

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

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

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

**IT IS AN OFFENCE LIABLE 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**

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next >

Consent of individual to being specified as premises supervisor

I ANGELA ELGAR

of



Date of birth: —

Place of birth: -

Nationality: —

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

VARY DPS

by

PETROGAS GROUP UK LTD

relating to a premises licence TBC

for

APPLEGREEN PLAWSWORTH SERVICE STATION  
A167 NORTHBOUND  
CHESTER LE STREET  
DH23NL



and any premises licence to be granted or varied in respect of this application made by

PETROGAS GROUP UK LTD  
(name of applicant)

concerning the supply of alcohol at

APPLEGREEN PLAWSWORTH SERVICE  
STATION,  
A167 NORTHBOUND  
CHESTER LE STREET, DH2 3NL

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

Personal licence issuing authority

Signed

Name (please print)

AELGAR

Date

04.07.18

## APPENDIX 3 – REPRESENTATIONS

**From:** Daniel Darnton  
**Sent:** 01 August 2018 13:48  
**To:** Tracey Lock  
**Cc:** AHS Licensing  
**Subject:** FW: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES  
**Attachments:** Applegreen Plawsworth Service Station A167 Northbound Chester le Street New Premises.pdf; Applegreen Plawsworth Service Station A167 Northbound Chester le Street Plan.pdf; Applegreen Plawsworth Service Station A167 Northbound Chester le Street DPS consent.pdf

**Categories:** Valerie

Good Afternoon,

Durham Constabulary would like to object to the attached application under the grounds of Public Safety, Prevention of Crime and Disorder and Prevention of Public Nuisance, please can Sgt Dickenson be consulted as to a hearing date prior to arrangement so we can arrange resourcing.

On behalf of;

**Sgt M. Richardson** Cert Ed., PGDip, MBA, M.C.M.I.  
Rural Neighbourhood Policing Team

My default position as a Neighbourhood Sergeant is to always support local businesses that will positively contribute to the local community and the wider economy of the area. In this regard my observations are always set against this overriding principle.

The applicant's premises are located next to Changing Lives. This is a charity that has been established to assist men with complex social needs back into mainstream society. This facility has been at this location for many years and there is close collaborative work between the facility and police to try to minimise harm to service users and local residents. There are many complex issues that the facility tries to manage including:

- Alcohol dependency/abuse
- Drugs dependency/abuse
- Mental health
- Violence
- Theft/acquisitive crime

Durham Constabulary IT systems have shown that over the period 01/03/2017 and 16/07/2018 there have been 336 alcohol related incidents linked to Changing Lives all of which have had an impact on the local community with regards crime, disorder and public safety. Alcohol has been tagged as a causal factor. The calls can be identified as:

- Incidents where drunk residents have stolen/attempted to steal from local homes/businesses/ each other
- Changing Lives residents walking across/along A167 causing alarm and distress to motorists
- Changing Lives residents fighting as a result of alcohol consumption
- Changing Lives residents being abusive/threatening to members of the public in the vicinity of the service station
- Changing Lives residents threatening/assaulting staff at Changing Lives due to being intoxicated

- Changing Lives residents threatening staff at Plawsworth Services as a result of being drunk
- Changing Lives residents threatening self-harm as a result of being intoxicated (this is where alcohol has been a contributory factor to thoughts of self-harm)

Residents of Changing Lives have been involved with disputes and thefts from the (approx. 800 meters away from the applicants premises/Changing Lives) where staff have been threatened and thefts have caused financial harm to the business. This has posed a risk to both store staff and local residents using the store and is currently subject to an locally agreed ban to residents by the store and Changing Lives. In all cases thefts included theft of alcohol and aggression when challenged.

If alcohol were available even closer to the facility I believe this would exasperate an already complex situation. What is also concerning are the times at which alcohol will be available from the premises – this will further increase demands for service from all the emergency services. I acknowledge that the applicant could have a similar ban on access to residents from Changing Lives. This has already been done as a result previous incidents between the applicant and residents with regards to thefts from the garage shop. This has caused tensions between the service station and Changing Lives. I have an honestly held belief that policing such a ban once alcohol is available would result in additional calls for service for police when disputes/aggression come about as a result of refusals – this is evidence by the experience as above. A factor that would increase risk is the higher level of general public footfall which could see members of the public being drawn into/caught up in any disputes/disorder.

Whilst I acknowledge that the conduct of residents from Changing Lives is not the responsibility of the applicant, there needs to be some consideration about the very accessible nature of alcohol immediately adjacent to the facility. The facility is there; it has clearly identified issues from its service users and the inclusion of readily accessible alcohol cannot be seen as being positive for the local community, residents and staff of Changing Lives and indeed the applicant of this licence.

In summary, I feel that the introduction of a licence in the premises will have a detrimental impact on three of the licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance

I believe the approval of an alcohol licence at these premises will significantly increase demand for police services when police resources are already at a premium. There are existing alcohol outlets for the general public nearby and this additional outlet provides no additional benefit to the community but will detract from the community and its wellbeing.

In this regard I cannot support this application and would urge the committee to consider whether or not this licence is in the interests of the local and broader community.

**Harm Reduction Unit**  
Meadowfield Office tel 101 ext  
Darlington Office tel 101 ext



**Durham Constabulary**  
Altogether Better Policing



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

26 July 2018

Dear Sir / Madam

**Re – New Premises application by Petrogas UK – Applegreen Plawsworth Petrol Station, Northbound A167.**

I represent County Durham Public Health department within Durham County Council which is a responsible authority under the Licensing Act 2003.

Due to the adverse impact this may have on a vulnerable group identified by Public Health Durham I wish to object to the application above.

The petrol station is in very close proximity (a short walking distance) to a supported housing complex – The Fells – for vulnerable people tackling drug and alcohol addiction.

Alcohol Harm Reduction is a strategic priority of the Safe Durham Partnership and the Health and Wellbeing Board and County Durham Public Health department.

National and local data shows that those people in the early steps of tackling alcohol addiction are more likely to succeed and enter into a sustained recovery in well-structured and supportive environments and away from the influences that have previously fuelled their addictive lifestyle.

It is my belief that those people battling alcohol addiction in centres such as The Fells are amongst the most vulnerable to relapse. Having alcohol readily available next door to the centre is detrimental in every aspect to their fight against addiction. It also undermines the ethos promoted by the centre and would be a constant temptation and threat to an individual's recovery.

**Adult & Health Services**  
Durham County Council, County Hall, Durham DH1 5UG  
Main Telephone 03000 26 0000

In addition the centre and key stakeholders have a strong relationships with the neighbours and wider community and should a licence be granted this would undoubtedly impact not only the service users and overall service but also levels of crime and disorder within the community. With this in mind I feel that the introduction of a licence in the premises will have a detrimental impact on three of the licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance

Speaking with commissioning colleagues I am of the view that the introduction of a licence would affect the continued viability of this much needed service.

By way of background I have provided some further information on The Fells.

The Fells supports 49 men who present with a range of needs, for example mental health, offending behaviours, and substance misuse including alcohol issues.

The Fells is delivered by Changing Lives; a commissioned service by Durham County Council, who support single men addressing their issues and addiction and to develop the skills and abilities to live independently. Staff are on site 24/7. The majority of men present with very complex needs, with deep-rooted addictions, resulting in complex and chaotic lives and behaviours.

For the reasons stated above I recommend the application is refused.

Yours sincerely

Gill O'Neil  
Deputy Director of Public Health  
County Durham Public Health

Contact: Murrav Webb  
Direct Tel: [REDACTED]  
Fax: [REDACTED]  
email: [REDACTED]  
Our ref: GRSH/MW

Licensing

13 July 2018

Dear Sir / Madam

**New Premises application by Petrogas UK – Applegreen Plawsworth petrol Station, Northbound A167. Grievance Meeting Notes**

I am writing on behalf on the Commissioning Section of Adult and Health Services and to object to the application noted above.

The petrol station is situated next to a vulnerable persons supported housing service which is commissioned by us. The service is called The Fells and is delivered by Changing Lives, who support these single men to address their issues and to develop the skills and abilities to live independently and to address addictions. Staff are on site 24/7. The majority of men present with complex needs, many being entrenched, resulting in complex and chaotic lives and behaviours.

The Fells supports 49 men who present with a range of needs, for example mental health, offending behaviours, and substance misuse including alcohol issues. Battling alcohol issues is difficult for these vulnerable people and having a source of alcohol readily available next door to the scheme will prove to be detrimental to their progress while at The Fells and only serve to undermine the progress the individual and staff have made, not to mention the impact on the community

These presenting needs are difficult to manage and at times can spill into the community causing concerns amongst neighbours as well as impacting on police attendance to the site and surrounding locality. The service and key stakeholders have invested a lot of time and effort, over the years, into managing the relationships with the neighbours / police and

**Adult & Health Services**  
Durham County Council, County Hall, Durham DH1 5UG  
Main Telephone 03000 26 0000



should a licence be granted will be detrimental not only to the service users and overall service but also with the neighbours and community.

We are firmly of the view that this would ultimately affect the continued viability of this much needed service and for these reasons we recommend the application is refused.

Yours sincerely

**Murray Webb**  
**Commissioning Policy & Planning Officer**  
**Adult and Health Services**



**From:** Murray Webb  
**Sent:** 10 September 2018 12:01  
**To:** AHS Licensing  
**Subject:** Applegreen Service Station, A167 Northbound, Chester le Street - Request to add further information

Morning Licensing,

Following my initial representation by way of letter of 13 July 2018, I would like the following information to be included in my representation.

- Attached is a map (GIS) outlining The Fells site and proximity to Applegreen Service Station
- Service statistics identifying number of service users with alcohol issues over 18 month period
- Details of incidents at The Fells where Police were not requested to attend.

Regards

---

Murray Webb  
Commissioning Policy and Planning Officer  
Adult and Health Services  
Durham County Council  
Room 2/56-70  
County Hall  
DH1 5UG

Switchboard 03000 26 0000

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## **The Fells, Plawsworth**

### **Service statistics**

**1st April 2017 to 30th June 2018**

**Total number of people using the service**

**194**

*of which* **107 were identified as having issues with alcohol**  
**55%**

## The Fells - incidents involving alcohol with no police attendance

Project	Incident date	Category	Time	Emergency services contacted?	Suspected Reasons
The Fells	23/01/2016	Alcohol found in abstinent service		No	
The Fells	23/01/2016	Alcohol found in abstinent service		No	
The Fells	04/02/2016	Alcohol found in abstinent service		No	
The Fells	10/02/2016	Alcohol found in abstinent service		No	
The Fells	27/02/2016	Alcohol found in abstinent service		No	
The Fells	10/03/2016	Alcohol found in abstinent service		No	
The Fells	02/04/2016	Alcohol found in abstinent service		No	
The Fells	05/04/2016	Alcohol found in abstinent service		No	
The Fells	09/04/2016	Alcohol found in abstinent service		No	
The Fells	10/04/2016	Alcohol found in abstinent service		No	
The Fells	23/04/2016	Alcohol found in abstinent service		No	
The Fells	03/05/2016	Alcohol found in abstinent service		No	
The Fells	04/05/2016	Weapon on premises		No	
The Fells	09/09/2016	Alcohol found in abstinent service		No	
The Fells	28/02/2017	Near Miss	16:00		Alcohol, Drugs, Mental Health
The Fells	07/03/2017	Self Harm	05:30	Paramedics, F Alcohol	
The Fells	13/03/2017	Physical Abuse	22:50	Alcohol, Drugs	
The Fells	18/03/2017	Criminal Damage	00:30	Alcohol	
The Fells	18/03/2017	First Aid/Minor medical assistance	21:30	Paramedics	Alcohol, Drugs, Mental Health
The Fells	18/03/2017	Criminal Damage	00:46	Alcohol	
The Fells	22/03/2017	Suspected Overdose	18:45	Paramedics	Alcohol, Drugs, Mental Health
The Fells	23/03/2017	Alcohol found in abstinent service		No	
The Fells	25/03/2017	Community Unrest/Riot	22:05	Paramedics, F Alcohol, Drugs	
The Fells	26/03/2017	First Aid/Minor medical assistance	00:55	Paramedics	Alcohol, Drugs
The Fells	27/03/2017	Medical Emergency	23:40	Paramedics, F Alcohol, Drugs, Mental Health	
The Fells	28/03/2017	Drug Paraphernalia found on premises		No	
The Fells	28/03/2017	Drug Paraphernalia found on premises	23:30		Alcohol, Drugs
The Fells	29/03/2017	Alcohol found in abstinent service		No	

The Fells	31/03/2017	Physical Abuse	22:45	Paramedics, F Alcohol, Drugs	
The Fells	05/04/2017	Medical Emergency	15:00	Paramedics	Alcohol
The Fells	07/04/2017	Abuse to Staff	21:00		Alcohol
The Fells	10/04/2017	Police - Community Visit	19:00		Alcohol
The Fells	13/04/2017	Police - Official Business - Operati	11:00		Alcohol
The Fells	18/04/2017	Police - Official Business - Operati	10:45		Alcohol
The Fells	26/04/2017	Police - Community Visit	16:00		Alcohol
The Fells	03/05/2017	Medical Emergency	00:05	Paramedics	Alcohol
The Fells	07/05/2017	Harrassment	01:30		Alcohol, Drugs, Mental Health
The Fells	16/05/2017	Self Harm	19:00		Alcohol, Drugs, Mental Health
The Fells	28/05/2017	Police - Official Business - Operati	02:00		Alcohol
The Fells	29/05/2017	Medical Emergency	06:00	Paramedics	Alcohol
The Fells	30/05/2017	Physical Abuse	16:00		Alcohol
The Fells	02/06/2017	Self Harm	15:45	Paramedics	Alcohol
The Fells	19/06/2017	Eviction	14:00		Alcohol
The Fells	21/06/2017	Abuse to Service User	00:00		Alcohol
The Fells	23/06/2017	Police - Community Visit	22:15		Alcohol
The Fells	02/07/2017	Community Unrest/Riot	22:00		Alcohol
The Fells	16/07/2017	Police - Community Visit	23:59		Alcohol, Mental Health
The Fells	18/07/2017	Community Unrest/Riot	22:00		Alcohol
The Fells	18/07/2017	Abuse to Service User	21:43	Paramedics, F Alcohol	
The Fells	21/08/2017	Harm to Self			Alcohol
The Fells	30/08/2017	Harm to Self			Alcohol
The Fells	01/09/2017	Harm to Self			Alcohol
The Fells	09/09/2017	Harm to Others			Alcohol
The Fells	09/09/2017	Harm to Self			Alcohol
The Fells	24/09/2017	Harm to Others			Alcohol, Drugs
The Fells	27/09/2017	Harm to Others			Alcohol
The Fells	08/12/2017	Harm to Staff			Alcohol
The Fells	05/02/2018	Damage to premises/assets/reputation			Alcohol, Drugs, Mental Health
The Fells	10/03/2018	Contraband Found			Alcohol
The Fells	26/03/2018	Harm to Others			Alcohol
The Fells	19/04/2018	Harm to Staff			Alcohol

The Fells	01/05/2018	Theft		
The Fells	09/05/2018	Clinical	Paramedics	Alcohol
The Fells	11/05/2018	Harm to Self		Alcohol
The Fells	17/05/2018	Harm to Others		Alcohol, Drugs, Mental Health
The Fells	20/05/2018	Harm from Others		
The Fells	23/05/2018	Harm to Self		Alcohol
The Fells	25/05/2018	Harm to Self		Alcohol
The Fells	29/05/2018	Harm from Others	Paramedics, F Alcohol, Drugs	
The Fells	29/05/2018	Harm to Self		Alcohol
The Fells	01/06/2018	Harm to Self	Paramedics, F Alcohol	
The Fells	23/06/2018	Harm to Self	Paramedics	Alcohol, Drugs
The Fells	09/07/2018	Contraband Found		Alcohol
73		898 days		
incidents				

**From:** Cllr Heather Liddle  
**Sent:** 10 Julv 2018 11:59

**Subject:** Fwd: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE - Plawsworth

Hi Tracey

I would like to submit an objection to the application listed below.

The garage is in a rural location and is situated next door to a Changing Lives homelessness accommodation service which houses 49 males. Many of the residents living in the service have issues with alcohol misuse which has led to reoccurring anti social behaviour incidents in the surrounding areas. These incidents have had a significant impact on police and neighbourhood warden resources.

The ASB incidents have also resulted in all residents who live in the service receiving automatic bans from the garage and from the next nearest shop in Nettleworth.

Kind regards

Heather

**From: Cllr Beaty Bainbridge**

**Sent: 11 July 2018 13:29**

**Subject: Re: APPLGREEN PLAWSWORTH SERVICE STATION - NEW PREMISES LICENCE APPLICATION**

Hi Karen,

I would like to object to Applegreen service station licence application on the grounds .

The residents who live at Changing lives the facility next door, are there to help adjust their lifestyle ,from alcohol and drug abuse and crime and disorder . For more alcohol to be put under there noses is asking for trouble to local residents in the area.

I have never been able to grasp why garages sell alcohol when in the county we promote NO DRINKING AND DRIVING .

Thanking you as always

Cllr Beaty Bainbridge



**From:** Cllr Simon Wilson  
**Sent:** 12 July 2018 13:19

**Subject:** RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE

Hello Tracey

Just for clarity, my comments are an objection.

Thanks

Cllr Simon Wilson  
Sacriston Division

**From:** Cllr Simon Wilson  
**Sent:** 12 July 2018 11:36

**Subject:** RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE

Hello Tracey

Whilst having not had anything too serious, too recent, ultimately there have been many instances regarding ASB following drinking at the site next to this. The shop in the village had at one point refused to sell to anyone from the complex. Furthermore there is also reasonably regular requests that rubbish from residents is picked up, due to drinking. Has any work been with Changing Lives as part of this?

Thanks

Cllr Simon Wilson  
Sacriston Division

**From:** Cllr Alan Bell  
**Sent:** 26 July 2018 08:45

**Subject:** RE: APPLGREEN PLAWSWORTH SERVICE STATION - NEW PREMISES LICENCE APPLICATION

Hi Valerie

I would like to raise an objection to this licence. Due to the close proximity of the Changing Lives unit next door then alcohol being available at all times will increase the risk of crime and disorder as well as public nuisances. Residents living at this unit can be there due to problems associated with alcohol misuse and having access so close could prove to be too tempting which could then lead onto other social problems in the vicinity. I strongly object to this application. Regards Alan

**From:** Cllr Mark Wilkes  
**Sent:** 06 July 2018 10:22

**Subject:** Re: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE - Plawsworth

DEAR Tracey

This garage is adjacent to Cyrenians which operates a large 50 bed facility for single men with substance abuse issues.

A previous application was turned down or withdrawn because of the proximity to this facility.

I am concerned that if this application is passed, it will increase risk to those at the facility.

The whole point of siting the facility at this location was to ensure that people with alcohol dependency issues have as little chance as possible of coming into contact with alcohol.

Whilst I am sure that the garage could put in place some restrictions, would it be able to identify every person living at the Cyrenians centre? Would it refuse sale? When these residents visit the garage for cigarettes and other food and drink - it is the only place within walking distance to buy anything - they will also see all the alcohol.

Open to comments from other members, but on the facts I have I would not support this application as it puts vulnerable people at risk and it would be very difficult to ameliorate that risk.

Kind regards

Mark

**From: Cllr Liz Brown**

**Date: 9 Jul 2018 3:41 p.m.**

**Subject: Re: APPLGREEN PLAWSWORTH SERVICE STATION - NEW PREMISES LICENCE APPLICATION**

**Hi Karen,**

**Prevention of Crime and Disorder and Prevention of Public Nuisance....Giving this service station a licence to sell alcohol is like giving a box of matches to an arsonist. The Spike is a centre for adults with alcohol dependency issues. The reason it was set up at this spot was to minimise the availability of alcohol to the inmates. Many of them are there because alcohol dependency led them to become a problem in their own neighbourhoods.**

**Public Safety.....the inmates of The Spike are likely to harm not only themselves but also other people if they have access to alcohol. The A167 at this point is a busy fast road and anyone who is impaired through drink will be a risk to themselves and others. Many of the residents will have been warned that one more drink will kill them - not a good idea to put temptation so close. I would object strongly to this licence being granted.**

**Cllr Liz Brown**

**From:** jocasta lawton  
**Sent:** 12 July 2018 20:26

**Subject:** Licensing Application

Dear Madam,  
Members of Kimblesworth and Plawsworth Parish Council wish to object to Licensing Application 're Applegreen Plawsworth Filling Station. We feel the extended premises licence would compromise community safety and exacerbate issues such as anti social behaviour.

Kind regards  
jocasta lawton  
Parish Clerk

**Bridge End Surgery  
Picktree Lane  
Chester Le Street  
County Durham  
DH3 3SL**

Dear Sir / Madam

**Re – New Premises application by Petrogas UK – Applegreen Plawsworth Petrol Station, Northbound A167.**

As Practice manager, I represent Bridge End Surgery in Chester le Street, which is a GP practice that provides primary care services for the majority of residents at Changing Lives, a supported housing complex for vulnerable people tackling drug and alcohol addiction, a it is located a very short walking distance from this site.

Due to the potential adverse impact this application may have on this vulnerable group of patients we wish to object to the above application.

As part of ther Area Action Partnership we are well aware that Alcohol Harm Reduction is a strategic priority of the Safe Durham Partnership and the Health and Wellbeing Board and County Durham Public Health department.

National and local data shows that those people in the early steps of tackling alcohol addiction are more likely to succeed and enter into a sustained recovery in well-structured and supportive environments and away from the influences that have previously fuelled their addictive lifestyle.

It is our belief that our patients within Changing Lives battling alcohol addiction are amongst the most vulnerable to relapse. Having alcohol readily available next door to the centre is detrimental in every aspect to their fight against addiction.

Speaking with Public Health colleagues I am of the view that the introduction of a licence would affect the continued viability of this much needed service and therefore directly impact upon our patients.

For the reasons stated above I would ask the application is refused.

**Paul Dodds  
Practice Manager  
Bridge End Surgery**



## **APPENDIX 4 – RESPONSES FROM RESPONSIBLE AUTHORITIES**

**From:** Martin Scott  
**Sent:** 06 July 2018 14:02  
**To:** Tracey Lock  
**Subject:** Applegreen Plawsworth Service Station A167 Northbound Chester le Street DH2 3NL

Dear Tracey

Thank you for consulting the Nuisance Action Team, regarding the New Premises Licence for:  
Applegreen Plawsworth Service Station, A167 Northbound, Chester le Street,

Dated: 5<sup>th</sup>, July, 2018.

I have no representations to make regarding the application.

Regards

**Martin Scott**  
**Senior Environmental Health Officer**  
Environment, Health & Consumer Protection  
Regeneration and Local Services

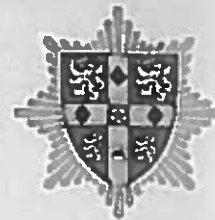
Switchboard: 03000 260000  
E-mail: [martin.scott@durham.gov.uk](mailto:martin.scott@durham.gov.uk)

Web: [www.durham.gov.uk](http://www.durham.gov.uk)  
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Safest People, Safest Places

County Durham and Darlington  
**Fire and Rescue Service**



Chief Fire Officer: Stuart Errington

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

Date: 20 July 2018

This matter is being dealt with by: Brad Malpass

Ext:

Our Ref:

Your Ref:

Gill Sherratt  
Petrogas Group UK Ltd  
Email reply

Dear Madam

**Licensing Act 2003**

**Regulatory Reform (Fire Safety) Order 2005**

**Petrogas Group Ltd, Plawsworth Service Station, A167 Northbound, Plawsworth, Chester Le Street, DH2 3NL**

I acknowledge your application dated 05 July 2018 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

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

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

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

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

Yours faithfully

Brad Malpass  
Fire Safety Section



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



**From:** Mark Quinn  
**Sent:** 19 July 2018 10:36  
**To:** [REDACTED]  
**Cc:** Tracey Lock; AHS Licensing  
**Subject:** LICENSING ACT 2003 - APPLICATIONS RECEIVED - Applegreen Plawsworth

Good Morning / Afternoon,

My Ref: SB/2018/090

I represent the Durham Local Safeguarding Children Board (LSCB) which is a responsible authority under the licensing act. I have received a copy of your application for a premises licence for your premises at Applegreen Plawsworth Service Station A167 Northbound Chester le Street DH2 3NL

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I have no comments or objections regarding your application

Mark Quinn  
Quality and Performance Coordinator  
Durham Local Safeguarding Children Board

[REDACTED]  
County Hall  
Durham  
DH1 5UJ

[www.durham-lscb.org.uk](http://www.durham-lscb.org.uk)

**From:** Elizabeth McCarroll  
**Sent:** 11 July 2018 12:43  
**To:** Tracey Lock  
**Subject:** CON28/18/01629 - Plawsworth Service Station

Dear Ms Lock,

With regard to CON28/18/01629 - Plawsworth Service Station, planning make no comments on the licencing application.

Kind regards

Elizabeth McCarroll  
Planning Officer –Northern Area Office

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:



## **APPENDIX 5 – 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 6 – 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 Act<sup>1</sup>, 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

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<sup>1</sup> 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.