

APPENDIX 7 – LETTERS OF REPRESENTATION

From: M Brown
Sent: 15 August 2018 17:15
To: AHS Licensing
Subject: The Manor House, West End, Sedgefield -- New Premises Licence Application--
OBJECTION

Attachments:

Categories:

Dear Sir,

I wish to register an Objection to the above Application on the grounds that it will cause a PUBLIC NUISANCE from the noise generated by the outside activities outlined in the submission.

The rear Car Park area on which it is proposed to hold the outdoor events is surrounded by residential properties (see attached plan), ALL of which will be affected by the noise of music and drinking activities taking place.

The days and times in the application cover every day of the year with no limit on the number of events to be held.

It is impossible to sound proof marquees in which the events will take place as has already been proven by "open air" events at Hardwick Hall which is over half a mile from Sedgefield Village Centre but some of which can still be heard from village properties including our own.

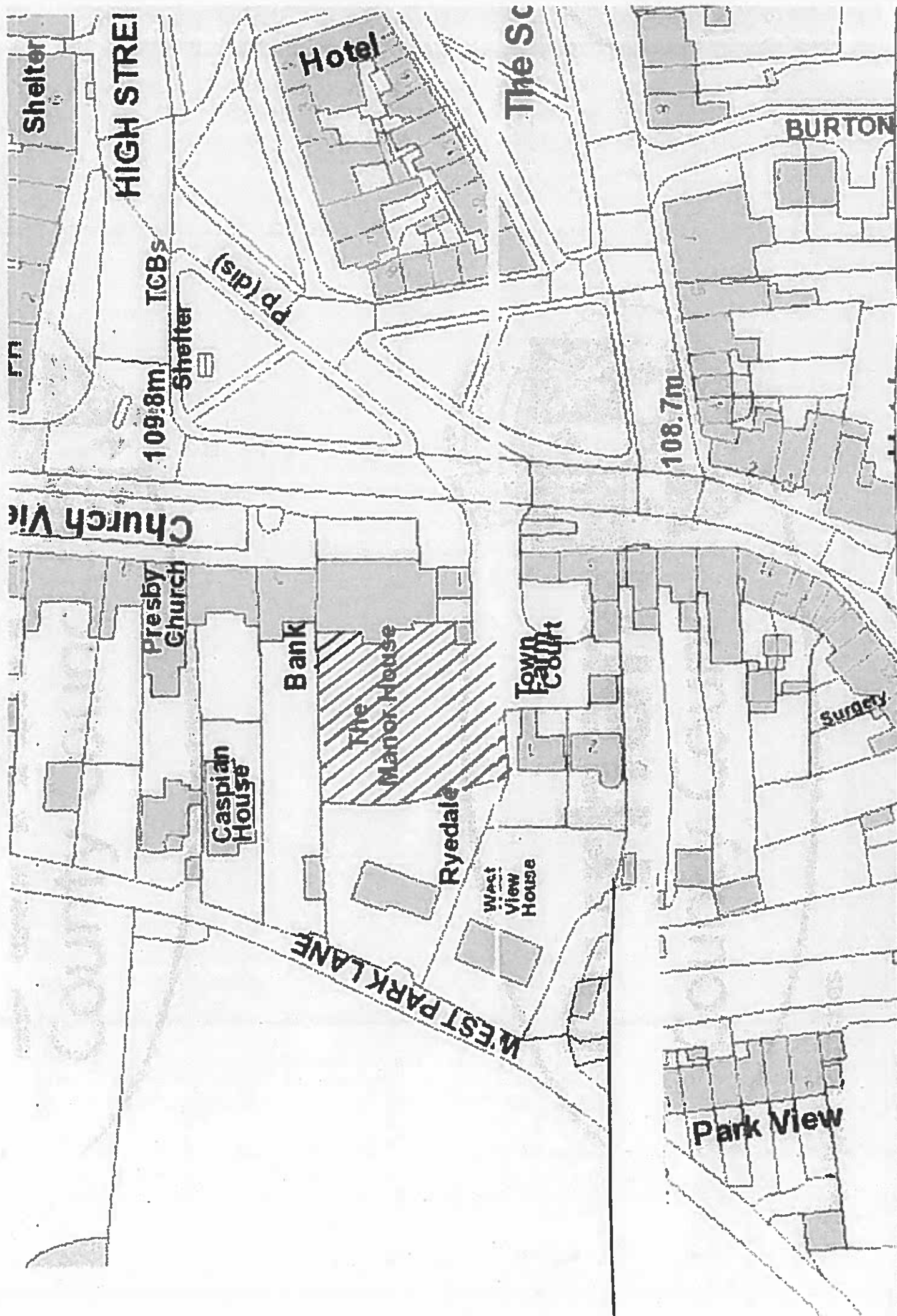
I have no objections to any of the indoor events and noise levels have already been reduced by the current owners by fitting double glazing to some of the front and rear ground floor windows.

I have spoken to Mr Parsons, the owner, who has tried to verbally reassure me that there will be restricted noise levels but this is not indicated in the application so if approved it would give him an open choice on what he does in the future. Also if the building were to be sold on then any new owners could do as they wish.

Yours faithfully,

MR T M BROWN

WEST PARK LANE
SEDFIELD
TS21 2BX



From: M Brown <
Sent: 11 September 2018 17:51
To: AHS Licensing
Subject: The Manor House, West End, Sedgefield -- New Premises License Application -- Additional Objection
Attachments: Planning Approval 1.jpg; Planning Approval 2.jpg

Dear Sir/Madam,

Further to my original objection dated 15th August 2018 I wish to submit an Additional Objection relating to PUBLIC NUISANCE and wish to draw your attention to the fact that all of the most recent Planning Approvals issued to The Manor House in respect of Change of Use restrict the public opening hours as follows:

"THE PREMISES SHALL ONLY BE OPEN TO THE PUBLIC FROM 7.30AM TO 12 MIDNIGHT ON ANY DAY OF THE WEEK"

The License Application for New Years Eve until 02.00hrs contravenes this restriction.

(Refer to Planning Approvals DM/15/00636/FPA, DM/16/00460/FPA and DM/18/01341/FPA)

In addition I also wish to submit an Objection on the grounds of PUBLIC SAFETY. Planning Approval DM/16/00460/FPA was issued in "strict accordance" with several approved plans one of which was Dwg No.010. This has been used as the License Application Plan which clearly shows the requirement to provide 32 parking spaces deemed to be needed for the buildings use. The new License Area on the Car Park would eliminate over half of these spaces. These vehicles would need to find alternative parking in Sedgefield Village Centre which already has a parking problem and which therefore will cause an issue of PUBLIC SAFETY.

Yours faithfully,

T Brown

West Park Lane
SEDFIELD

Regeneration and Economic Development
Durham County Council
Planning Development (South West)
Room 4/86-102, County Hall, Durham, DH1 5UL Main
Telephone: 03000 262 830

x

APPROVAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: **DM/16/00460/FPA**

Applicant

Agent

Mr Ean Parsons
The Manor House
West End
Sedgefield
County Durham
TS21 2BW
United Kingdom

PART 1 – PARTICULARS OF THE APPLICATION

Proposed: Partial change of use of basement and first floor in association with previously approved use of part of the ground floor as Class D1 (Non Residential Institutions), installation of gate and re-surfacing of car park.

At: Manor House
West End
Sedgefield
Stockton On Tees
TS21 2BW

Date of Application: 9 March 2016

PART 2 – PARTICULARS OF DECISION

The Durham County Council hereby give notice in pursuance of the Town and Country Planning Act 1990 that planning permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions and reasons:

The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Site Location Plan

Dwg No. 008 PROPOSED GATES

Dwg No. 009 FRONT ELEVATION PROPOSED GATES

Dwg No. 010 External Works As Proposed

Dwg No. 011 BASEMENT LAYOUT CHANGE OF USE

Dwg No. 012 GROUND FLOOR LAYOUT CHANGE OF USE

Dwg No. 013 FIRST FLOOR LAYOUT CHANGE OF USE

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The premises shall only be open to the public from 7.30am to 12 midnight on any day of the week.

Reason: In the interests of the amenity of the area in accordance with Policies L11, H18 and D1 of the Sedgefield Borough Local Plan.

4. Prior to the works to the car park, details of the surface treatment and construction of the car park area surfacing including construction and infiltration suitability shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy D1 and D3 of the Sedgefield Borough Local Plan.

5. Prior to the installation of the gate, hereby approved, the final details of the proposed gate details including section profiles, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies D1 and E18 of the Sedgefield Borough Local Plan

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority has worked in a positive and proactive manner, whilst ensuring that the application has been determined in a timely and efficient manner.

SIGNATURE

From: M Brown <
Sent: 21 September 2018 19:56
To: Yvonne Raine
Subject: Manor House Sedgefield

In reply to your email regarding amendments made by the applicant to his application I welcome the changes made however I still wish to object to the fact that members of the public could still be on the premises beyond 12.00 midnight particularly on New Years Eve which is in conflict with the conditions of the Planning Approvals.

1 Brown

From: [REDACTED]
Sent: 17 August 2018 12:04
To: AHS Licensing
Subject: Licence variation, The Manor House 1707 Sedgefield

Categories: Karen

Town Farm Court,
Sedgefield,
TS21 2BH

Dear Sirs,

Variation to premises licence at The Manor House, West End, Sedgefield.
OBJECTION to this application.

I refer to the above licence variation and wish to record my **OBJECTIONS**.

The proposed variation would result in being a **PUBLIC NUISANCE** by way of Inevitable noise created by outside events held in the car park. It is closely surrounded by residential property and the car park boundary is a wall shared with my property. Consequently the noise source would be within feet of my house.

The application does not state any limits and implies that outdoor activities with amplified music can be staged every day and evening throughout the year.

In addition some of the very late open hours of activity would add to the issue of **PUBLIC NUISANCE**.

I also submit that such extensive and prolonged noisy outdoor events so close to residential property could be detrimental to health and wellbeing. As such this could be an **ENVIRONMENTAL HEALTH** issue.

The variation does not refer to any plan for monitoring or restricting noise level or ensuring there is **NO HARM TO PUBLIC GOOD**.

I submit that noise from a Marquee for music and dancing could not be contained and monitoring would not work in practice and result in **PUBLIC NUISANCE**.

Such events are likely to utilise disco lighting causing light pollution exacerbating the disturbance.

I have had a meeting with the applicant Mr Parsons and he has also written to me explaining his plans. He has assured that there is no intention to play live or amplified music outside. He has said the number of events will be limited and only on occasion outside.

I am not objecting in principle to events or live music inside The Manor House but I do object to the extension on New Year's Eve until 2.00 am. Participants exiting into the car park can cause us disturbance well beyond the permitted hours.

I am reassured by Mr Parsons and know him to be a very considerate and community aware neighbour. My objections are to ensure that any future owner of the business does not inherit such licence as outlined in the variation application.

I will send a supporting photograph separately and you will see the boundary wall to my property and also see that part of my neighbour's property actually sits within the car park area.

Please advise safe receipt.

Yours faithfully.

Mr T Jeanes.

Scanned from my iPad

From: [REDACTED]
Sent: 17 August 2018 12:05
To: AHS Licensing
Subject: OBJECTION to licence variation at The Manor House 1707 Sedgefield

Categories: Karen

Photograph showing boundary wall between No 1 Town Farm Court and the Manor House car park, it can also be seen that my neighbour's house is attached to the Manor House and sits partially within the car park area.



T Jeanes. Town Farm Court, Sedgefield
Sent from my iPad

From: [redacted] net
Sent: 28 August 2018 11:34
To: AHS Licensing
Cc: [redacted]
Subject: Fw: The Manor house west end Sedgfield objection to license application
Attachments: Manor House...28082018.jpg; Manor House 128082018.jpg

Subj: Fw: The Manor house west end Sedgfield objection to license application

Subj: The Manor house west end Sedgfield objection to license application

We wish to register a objection to the above application on the grounds it will cause a public nuisance from music ,(recorded or live) and traffic generated by the outside activities(if the car park is been used to house marquee etc what parking provisions Are there for Guests?)

In a attempt to comfort local residents the applicant has written to them personally however his letter is very misleading and totally at odds with his all day and every day application made (applicants letter enclosed)

The current indoor use with clearing up and bottles being emptied into recycling bins long after guests have ,gone is bearable, occasionally

However we do strongly object to external events in such close proximity is to residential properties

F Sullivan
House
West Park Lane
Sedgrfield
TS212BX



MANOR HOUSE 1707

15th August 2018

Dear

The Manor House premises licence application

I have recently applied to vary the premises licence at The Manor House and I thought it would be useful to you for me to provide the background to the application and my intentions of how the increased scope of the licence will be put to use.

We have been reasonably successful over the past two years in attracting events to the Manor House including weddings. For information, there are four types of events we target which we believe are suitable to the building – weddings, business meetings, gigs and celebrations. Experience has shown us that our offer for weddings is limited and to attract more we need to provide something different. My aim is to attract around ten weddings per year. This year there are three and last year there were five.

To improve our package for weddings I am developing the cellar into a cellar bar and I plan to use part of the car park as a break out space.

As you may not be familiar with the licence application procedure it is probably worth a little explanation. A premises licence application covers the whole of the premises for music, dance, plays, food and alcohol i.e. we cannot divide up the premises plan in the application and apply for different licences for different parts of the building. For example, we already have live music in the Old Court Room but we don't intend to have live music in the car park. We have applied for serving alcohol from early morning but we don't intend to open a bar at that time, it is for occasions such as reception drinks at an early wedding or a toast at a funeral celebration.

I recognise that the most contentious part of the application is for the car park area so I will explain our intentions for this. As I've said, it is primarily to provide break-out space for weddings. We may operate a bar, a food outlet or children's entertainment to provide options for guests. This is



particularly important while we turn around the furniture in the Old Court Room and Reception from the ceremony to the wedding breakfast and later to the evening event. It will also be used in the evening on occasion. For these events we will have a management plan in place which manages the take-down of the outside space in a reasonable time. ~~There is no intention to play background music in the outside space as part of the events we currently offer.~~ There may be background music which was defined by the environmental health officer when he visited as being below the level you'd expect of normal conversations.

I hope that this further information is useful to you. If you would like further information I can be contacted at The Manor House.

Yours sincerely,

Ean Parsons

From: a sutton
Sent: 30 August 2018 11:50
To: AHS Licensing
Subject: Application by the Manor House - new premises licence

House, West Park Lane
Sedgefield
TS21 2BX

Re - application by the Manor House Sedgefield for new premises licence.

I am writing to object to this licence application on the grounds of public nuisance. My husband and I live on West Park Lane directly behind the Manor House. The area proposed for outdoor entertainment adjoins several properties and the noise levels would be such as to cause great distress and nuisance to us and our neighbours. We regularly have young children staying with us and as you can imagine bedtime at a reasonable hour would be impossible.

Although we understand noise inside the building can be controlled, outdoor entertainment in such a small area surrounded by residential properties would seem to constitute a public nuisance ,

Yours sincerely,

Mrs Sutton
Dr Sutton

West End,
Sedgefield,
Stockton on Tees
TS21 2BW
15/08/2018

Durham County Council
PO Box 617
Durham
DH1 9H

Re Premises Licence Application

Manor House (1707) Limited	The Manor House West End Sedgefield	<p>New premises licence application</p> <p>Plays (indoors and outdoors) Monday to Sunday 11.00am to 11.00pm</p> <p>Films (indoors and outdoors) Monday to Sunday 11.00am to 11.00pm</p> <p>Live music (indoors and outdoors) Sunday to Thursday 11.00am to 11.00pm, Friday and Saturday 11.00am to 11.30pm, Christmas Eve until 11.30pm, New Year's Eve 11.00am to 2.00am</p> <p>Recorded music (indoors and outdoors) Sunday to Thursday 8.00am to 11.00pm, Friday and Saturday 8.00am to 11.30pm, Christmas Eve until 11.30pm, New Year's Eve 8.00am to 2.00am</p> <p>Performances of dance (indoors and outdoors) Monday to Sunday 11.00am to 11.00pm</p> <p>Sale of alcohol (on and off the premises) Monday to Sunday 8.00am to 11.30pm, New Year's Eve 8.00am to 2.00am</p>
----------------------------	-------------------------------------	--

Dear Sir or Madam

As the owners and residents of the property attached to the Manor House, Sedgefield, which is in a residential area, we wish to raise the following **objections** to the application as detailed overleaf.

We have no objection to the licensing **INDOORS**, however we would insist on a sound meter installation with a low level of tolerance appropriate for a residential area. There would be a risk of lack of enjoyment of our existing property which is attached to the Manor House. We already know that events take place within the Manor House but we are concerned that there is no statement of frequency of the events.

Our objection also centres arounds the **OUTDOORS** plays, films, live music, and dance recorded music on the grounds of **public nuisance and safety**. The noise and light pollution levels will be unacceptable as it would not be possible to minimise this with outdoors performances. It is our understanding that such outdoor events not permitted in residential areas.

The area where the activity will be undertaken is not clear as the only outdoor space is the frontage of the Manor House which is a walled garden or the rear which is currently used as a car park for the Manor House. We assume the latter would be the area where the activities would take place and as such this would encroach on their car parking. The participants of the event would potentially block the highway as there is very limited parking on the village green area adjacent to the venue. There is also the consideration of fire engines not being able to enter the rear car park if the area is being used for an outdoor event. The fire-escape for the Manor House which passes over our back yard exits directly onto the car park area. An outdoor performance in that area would potentially prevent safe egress of people from the upper floors of the Manor House and indeed our own escape. We are entitled to use the fire escape within our deeds.

The extension of hours on New Year's Eve until 2.00 am is unacceptable due to the **noise and light pollution** that would occur disrupt ourselves and the fellow residents that back onto and surround the car parking area. It is our understanding that a separate licence would be required for an event at such time.

The off sales of alcohol is likely to **promote drunkenness and anti-social behaviour** and we strongly object to this.

We have subsequently received a letter from Mr Parsons (the applicant) emphasising that the number of outdoor events would be minimal but the application as it stands has no limit to the number of events. We respect Mr Parsons and trust his assurances but we are concerned that if he sells the property on and the planning is in place without an upper limit of events there would be the potential for the new owner to have free range to have as many events as they want. **We therefore wish to see a maximum number of events per annum stated in the application.**

Yours Faithfully

Dr Jones and Dr Thompson

West End,
Sedgefield,

Stockton on Tees

TS21 2BW

14/09/2018

Durham County Council
PO Box 617
Durham
DH1 9H

Re Premises Licence Application

Manor House (1707) Limited	The Manor House West End Sedgefield	New premises licence application Plays (indoors and outdoors) Monday to Sunday 11.00am to 11.00pm Films (indoors and outdoors) Monday to Sunday 11.00am to 11.00pm Live music (indoors and outdoors) Sunday to Thursday 11.00am to 11.00pm, Friday and Saturday 11.00am to 11.30pm, Christmas Eve until 11.30pm, New Year's Eve 11.00am to 2.00am Recorded music (indoors and outdoors) Sunday to Thursday 8.00am to 11.00pm, Friday and Saturday 8.00am to 11.30pm, Christmas Eve until 11.30pm, New Year's Eve 8.00am to 2.00am Performances of dance (indoors and outdoors) Monday to Sunday 11.00am to 11.00pm Sale of alcohol (on and off the premises) Monday to Sunday 8.00am to 11.30pm, New Year's Eve 8.00am to 2.00am
-----------------------------------	--	---

Dear Sir or Madam

Following your correspondence re the amendments to this planning application made by Mr Parsons in response to initial objections we still wish to lodge objections.

I have highlighted the areas in our original letter (copied below) which we feel have not been addressed by the amendments made.

ORIGINAL LETTER dated 15/08/2018

As the owners and residents of the property attached to the Manor House, Sedgefield, which is in a residential area, we wish to raise the following objections to the application as detailed overleaf.

We have no objection to the licensing INDOORS, however we would insist on a sound meter installation with a low level of tolerance appropriate for a residential area. There would be a risk of lack of enjoyment of our existing property which is attached to the Manor House. We already know that events take place within the Manor House but we are concerned that there is no statement of frequency of the events. **We are grateful that this has been addressed adequately in the application.**

Our objection also centres arounds the OUTDOORS plays, films, live music, and dance recorded music on the grounds of **public nuisance and safety**. The noise and light pollution levels will be unacceptable as it would not be possible to minimise this with outdoors performances. It is our understanding that such outdoor events not permitted in residential areas. **We accept the reduction in hours for the outdoor activity and appreciate this concession made by Mr Parsons. We are however still concerned that the floodlights that illuminate the Manor House Frontage during events, which shines into our bedroom will be left on too late.**

The area where the activity will be undertaken is not clear as the only outdoor space is the frontage of the Manor House which is a walled garden or the rear which is currently used as a car park for the Manor House. We assume the latter would be the area where the activities would take place and as such this would encroach on their car parking. The participants of the event would potentially block the highway as there is very limited parking on the village green area adjacent to the venue. There is also the consideration of fire engines not being able to enter the rear car park if the area is being used for an outdoor event. The fire-escape for the Manor House which passes over our back yard exits directly onto the car park area. An outdoor performance in that area would potentially prevent safe egress of people from the upper floors of the Manor House and indeed our own escape. We are entitled to use the fire escape within our deeds. **This has now been made clear to us but usage of half the carpark at the rear of the Manor house will result in lack of parking for the participants at any event and result in parking issues on the village green area.**

The extension of hours on New Year's Eve until 2.00 am is unacceptable due to the noise and light pollution that would occur disrupt ourselves and the fellow residents that back onto and surround the car parking area. It is our understanding that a separate licence would be required for an event at such time. **We strongly object to this.**

The off sales of alcohol is likely to promote drunkenness and anti-social behaviour and we strongly object to this. We are reassured that Mr Parsons and his staff will do their best to mitigate this and no longer object to this.

Yours Faithfully

Dr S Jones and Dr M Thompson

Durham County Council

18 SEP 2018

Adult & Health Services

West End
Sedgefield
TS21 2BS
29th Aug 2018

Durham County Council
PO Box 617
Durham
DH1 9HZ
Dear Sir/Madam

RE: New Premises licence application by Manor House (177) Ltd, Sedgefield

I wish to object to the above application for a new licence for the following reasons:

- The premises is within the conservation area in Sedgefield and is a residential area. The properties within this area are single glazed (due to restrictions of the conservation area) and many have little, or no foundations resulting in noise travel and disturbance. The proposed activities in the application would increase the noise disturbance for residents to an unacceptable level from 11am to 11pm.
- The outdoor events will utilise the rear car park thus limiting parking for visitors. This will lead to major parking issues within the locality from visitors to the event who will have to park on the roadside.
- There are several venues in Sedgefield providing a range of events, all of these have a cumulative effect on noise levels and disturbance within Sedgefield and any new premises licence should take into account existing licences.
- The sale of alcohol from 8am to 11.30pm every day cannot be justified and should such a licence be granted I am sure other premises will submit applications for a similar licence. Any event selling alcohol all day and night invariably leads to antisocial behaviour and noise disturbance for the residents nearby. My understanding is that the granting of such a licence for sale of alcohol from 8am – 11.30pm would also permit live and recorded music during these hours. The potential of such noise disturbance would ruin the tranquil nature of Sedgefield and be extremely intrusive for the residents.

I would hope that the officers give consideration to the residents, the impact of noise disturbance 7 days a week, the anti-social behaviour associated with excessive alcohol consumption and the issue of parking and congestion on a major road.

Kind Regards,

Mrs i Dentith

West End
Sedgefield
T21 2BW

Dear Sir/madam

New Premises Licence Application for
The manor House, West End, Sedgefield.

We are writing to object to the above licence application. We feel that live music and entertainment outside and inside the premises late at night will have a detrimental effect on our home.

Reasons for Objection:-

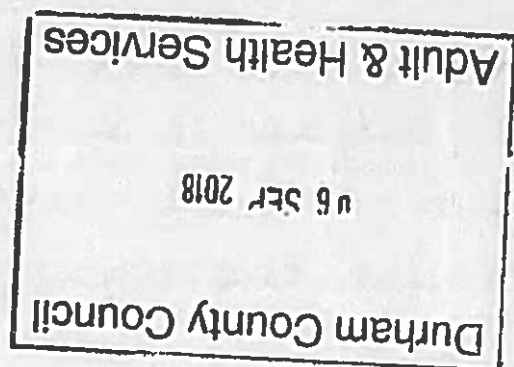
- ① We will have loss of privacy as we will be overlooked.
- ② We have a special needs child who will be effected by the increase of noise.
- ③ At the moment we have a population of bats which are localised around our garden and adjacent areas. The noise and light pollution will have a serious and detrimental effect for these protected by law creatures.
- ④ Due to the already increased traffic and parking issues in our village, removing

a car park will surely have more unwanted issues when parking at night. Obviously this will increase cars parked in center of village which will effect safety of children who attend the local primary school.

We hope you consider our objections seriously and not approve this licence.

Thank you

S [redacted] and W [redacted] Nadin.



From: K Foakes
Sent: 16 September 2018 19:29
To: AHS Licensing
Subject: The Manor House, West End, Sedgefield

As residents of West End, Sedgefield, we would like to comment on the New Licencing Application submitted for The Manor House.

The Manor House is a treasured building in Sedgefield and we are pleased that the current owners appear to have so far shown good intentions to utilise the building. We wish them luck but the context, history and preservation of the building is clearly not in keeping with a very wide alcohol and entertainments licence. It has gone from office premises to venue already. Objections:

1, All day drinking and activity. This licence seeks to take it to an all day, seven day entertainment venue. We support use of the building for Indoor community and private hire events but not as a fully licensed 7 day per week venue akin to a club/pub or hotel, which this application appears to set up.

2, Outdoor use: We feel that extending licencing for use of outdoor space is a huge step too far. The premises lie amongst a tightly packed cluster of residences. We fear that noise pollution will be a key factor if the outdoor space is utilised, particularly if music, plays/dance and films are permitted. Light pollution is also a factor as well as smoking fumes in the outdoor space. This can be enhanced dependent on wind direction. Putting seating, a patio, smoking area or break-out space outdoors brings "the party" to neighbours. We can understand events being held, but it is necessary to contain activity within the building, behind closed doors. To spill outdoors inevitably spoils reasonable enjoyment of the environment by neighbours.

3, Noise nuisance - Noise pollution is already a factor in the neighbourhood when events are held at Hardwick Hall, and occasionally the cricket club, both of which are vastly further away so noise from the Manor House will inevitably have a significant impact spread even deeper into this residential village, if outdoors, and cause nuisance. This is not acceptable to neighbours. It is even more disturbing to see that the application includes playing recorded music from 8-00 until 23-00.

4, Environmental - This is not just about activity on the premises. Late night spill-out into the village will cause noise, additional traffic, associated issues with people, car doors, taxis etc in what is otherwise a calm and quiet area at night.

The rear of West End is an oasis of calm but music, light and potentially smoke would not be acceptable.

5, This is a conservation area, the community has chosen to preserve the centre of Sedgefield, and that applies to the atmosphere and environment, not just upkeep of buildings. The integrity of the conservation area is at risk here.

6, Hours - We see no reason why licencing should be extended for every day and until 11-30pm. To use the premises as an exclusive venue differentiated from a pub does not require alcohol sales as a key factor. We see no reason why this venue should benefit from longer hours than say Cedersfield Hall which is licensed Monday to Thursday from 19-30 to 22-30 and Friday to 23-00. That venue is more secluded and private. That is also closed Sundays and bank holidays and only licenced by event on Saturdays. It would appear that the licence applied for would be the most extensive in the Sedgefield area for both alcohol and entertainment - we know of no other outdoor

venues. Even in vibrant entertainment districts of our cities, we do not have 08-00 until 23-00 licencing, this is ludicrous. Outdoor drinking in Sedgefield is well controlled/limited elsewhere. This central village location seeks to change our environment completely.

7, Day licence? Why is a licence required from 8-00am? - we cannot think of any other premises in the area with such a licence and see no positive reasons why this enhances The Manor House or Sedgefield.

8, Parking - a benefit of The Manor House is that it has off road parking. Utilising the car park for events would take this away and leave visitors to the premises to spill over into the centre of the village, which even now cannot cope with parking demands and the associated noise/disturbance it could bring.

Please consider these issues from concerned residents.

Thank you

K Foakes
J: Foakes
C Foakes
A Foakes

West End, Sedgefield

J Robinson

White House Drive, Sedgefield, Stockton-on-Tees. TS21 3BX

Tel:

Mobile:

3rd September 2018

Dear Ms. Graham

Re. Manor House Licence Application

Good morning, I wish to raise concern in regard to the above Licence application. I feel the same objections I raised in regards to other premises in the village remain and that for consistency I must object to this.

I and indeed have been approached by numerous residents expressing similar views, all are concerned about the outdoor times and activities requested. This property is surrounded by private homes/residents many with children or elderly residents. They are concerned the music/films/dancing outside at these times will be a major intrusive effect on their lives.

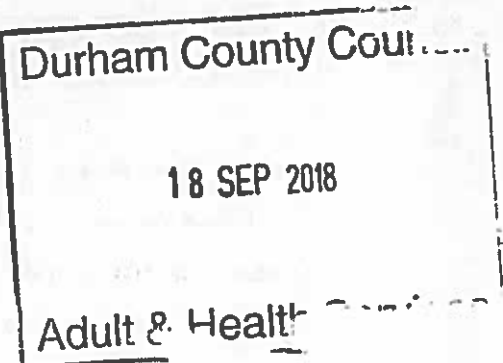
I appreciate we must deal with each application on an individual basis but recent decisions by the Committee would suggest this type of entertainment is now covered and indeed this would be overkill

I would request my comments and concerns are made aware to the sub-committee and happy to appear before them to expand.

Yours sincerely,

Mr. J Robinson

To:- Ms. Carol Graham Licensing Assistant DCC





Sedgefield Town Council

Dr J. Ayre (Town Clerk)
Tel. Sedgefield
Fax: 1
Email:

Council Offices
Sedgefield
Co. Durham
TS21 3AT

17 September 2018

Ms Tracey Marie Lock,
Licensing Assistant,
Environment, Health and Consumer Protection
Adult and Health Services
Durham County Council
Annand House
Meadowfield
Durham DH7 8RS

Dear Tracey

Application for a New Premises Licence – The Manor House, West End, Sedgefield:

The above application for a New Premises Licence requested by The Manor House in Sedgefield was considered by Sedgefield Town Council at its Monthly Meeting held on Monday 10th September 2018. Following discussions at that meeting Sedgefield Town Council wishes to object to the licence being sought.

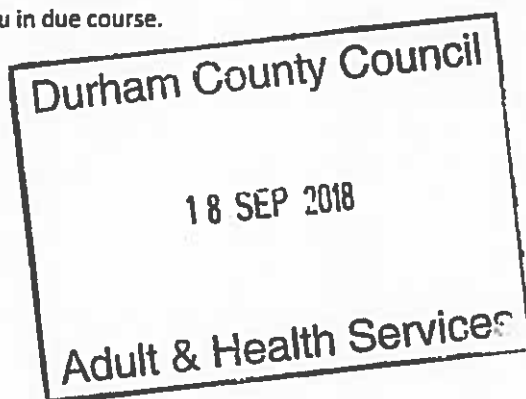
The Town Council has been approached by several residents who live very near to The Manor House who have all expressed their concerns regarding the potential noise disturbance they will encounter if this new licence is granted. Residents' concerns relate to the permissions being sought relating to the delivery of plays, playing of films and performances of live music and believe these will be heightened further when a marquee is allowed to be sited outside the property. If a marquee was sited outside the property in its car park area not only would there be noise disturbance created by those attending the event but there would also be the issue of where guests having to park their cars displaced around the Town, in a Town which already has significant parking problems. The Town Council is particularly concerned regarding the request in this New Premises Licence for live music to be performed outside the venue until 11pm. The Town Council feel it is essential that a consistent approach is applied across the Town in order to try to reduce the cumulative effects of noise as much as possible. It is noted that the nearby Durham House's licence states that all residents and activities need to be inside the property by 10pm.

Sedgefield Town Council requests that Councillor Mel Carr be permitted to attend any future Licensing Committee meeting to represent the Town Council and speak about its concerns regarding this licence application.

I look forward to hearing from you in due course.

Yours sincerely,

Dr J. Ayre
Town Clerk



APPENDIX 8 – LETTER FROM PLANNING

From: Hilary Sperring
Sent: 15 August 2018 15:40
To: Tracey Lock
Subject: CON28/18/01944 Application for a New Premises Licence, Manor House, West End, Sedgefield

Dear Tracey,

Thank you for your recent consultation in respect of the above. I have no objections to the consultation.

For information I would advise that planning permission has been granted at the above site for:

DM/15/00636/FPA - Use of part of the ground floor as Class D1 (Non Residential Institutions)
DM/16/00460/FPA - Partial change of use of basement and first floor in association with previously approved use of part of the ground floor as Class D1 (Non Residential Institutions), installation of gate and re-surfacing of car park.
DM/18/01341/FPA - Change of use of basement area (in part) from B1 (Business) to D1 (Non-Residential Institutions) including cellar bar

A condition was attached to each approval which I have attached below:

The premises shall only be open to the public from 7.30am to 12 midnight on any day of the week. (Reason: In the interests of the amenity of the area in accordance with Policies L11, H18 and D1 of the Sedgefield Borough Local Plan).

If you have any further queries please do not hesitate to contact me.

Kind Regards,
Hilary

Mrs Hilary Sperring

Planning Officer | Development Management

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

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

APPENDIX 9 – RESPONSE FROM FIRE AUTHORITY



Chief Fire Officer: Stuart Errington

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

Date: 04 September 2018

This matter is being dealt with by: Joanne Brenkley

Ext:

Our Ref: 3D71300005

Your Ref:

Ean Parsons
The Manor House
West End
Sedgefield
TS21 2BW

Dear Sir

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Manor House 1707 Ltd, The Manor House, West End, Sedgefield, Stockton On Tees, TS21 2BW

I acknowledge your application dated 6 August 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 and follow the link to Fire safety at work.



www.ddfire.gov.uk

APPENDIX 10 – ADDITIONAL INFORMATION FROM MR PARSONS



MANOR HOUSE 1707

Karen Robson
Senior Licensing Officer
Durham County Council
Licensing Services
P.O. Box 617
DURHAM
DH1 9HZ

2nd October 2018

Dear Mrs Robson,

**Licensing Act 2003 (Hearings) Regulations 2005
Section 6 – Notice of Hearing
RE Application for grant of a premises licence for The Manor House, West End, Sedgefield TS21 2BW**

I refer to your letter of 26th September 2018 and the subsequent notice of a hearing on Tuesday 16th October at 1.p.m.

I can confirm that I will attend the hearing and the appropriate form is enclosed.

At the hearing I will respond to the objections made against my licence application by ten parties. I have attached below my response to the ten objections.

Response to objections

1. The licence application for The Manor House

The details of the licence application are contained within the application itself, however the nature of the application document which covers all licenced and potential licenced premises does not allow for specific details and reasons to be highlighted.

The Manor House is multi-use venue with a primary business of providing offices for rent. To supplement income to ensure viability, areas of the Manor House are being used for events including weddings, celebrations, music events and business meetings.

The Manor House has had a premises licence since 2015.

The licence allows for licensable activities in areas including the Old Court Room and Reception Hall. The current application increases the scope of the licence in the existing areas as well as adding the cellars and an outdoor area of the car park to the rear.

Therefore there are three distinct areas included in the application – the current internal areas including Old Court Room and the Reception Hall, the cellars and an area of the car park.



2. Areas for response

- a. The objections almost entirely refer to the car park outdoor area.
- b. There are specific objections and comments for reply.

3. Responses to meet the four licencing objectives

The objections raised mainly concern public nuisance.

Our measures to avoid public nuisance that could arise from this licence application include;

- a. Ensuring that the behaviour of those attending events is appropriate to the premises as a Grade II* listed building.
- b. Ensuring that the behaviour of those attending events is appropriate to a venue within a residential area.
- c. We agree to limit activities so that we do not have plays, dance, live music or amplified music in the outdoor area.
- d. Music will be restricted to a volume level which is below the level of normal conversation.
- e. Movies will be shown outdoor only when headsets are used. The intention of our application to show movies is for the purpose of entertainment at weddings and celebrations.
- f. The restricted licensable activities will take place outdoors only between the hours of 2.p.m. and 10:30.p.m. Monday – Sunday.
- g. The restricted licensable activities will take place outdoors on no more than 12 occasions per year.
- h. The restricted licensable activities outdoors will be managed so that all persons attending events are inside the main building by 11.p.m.
- i. Staff will be trained and briefed so that they understand their responsibilities in ensuring the need to avoid public nuisance as a result of activities on the premises.

4. Responses to specific points of objection

- a. **Loss of parking area with result of parking on the street.**

The licence application includes a plan which illustrates that only a portion of The Manor House car park (approximately a third) will be used for licensable activities. The majority of the car park will remain available for parking and as the car park is never fully utilised at events this is considered to be adequate provision.

- b. **The Manor House is inside a conservation area where double glazing is not allowed.**
The planning change of use which was granted to The Manor House in 2016 (DM/16/00461/LB) required us to install acoustic double glazing (following a noise assessment being carried out) so that music events could be held. Planning consent was given and sympathetic double glazing was installed. At a recent pre-application meeting prior to change of use consent being given in 2018 (DM/18/01341/FPA) for the cellars at The Manor House, Environmental Health Officer, Richard Wormold confirmed that

double glazing would not be necessary in the cellars. There were no conditions included with the planning consent relating to noise in the cellar.

c. Noise of Music

See comments above about double glazing and the cellars.
Live and amplified music will not be played in the outdoor area.

d. Very late opening hours adds to public nuisance.

We agree to restrict hours in the outdoor area so that all persons are indoors by 11.p.m.
During the time that The Manor House has had a premises licence we have a good record of managing licensable activities.

e. Marquees cannot be soundproofed and a marquee will take up parking space.

We do not intend to use marquees for outdoor activities.

f. Loss of privacy

The outdoor area at the rear of The Manor House is surrounded by high walls and only the area adjacent to the rear door and adjacent to the wall of the ex Barclays Bank premises will be used for activities. The plan accompanying the application illustrates that we will leave a gap between the activities and the rear wall and we will not hold activities at the side of the car park near residences on the south boundary.

g. A neighbour has a special needs child.

We sympathise with the family of our neighbour in this case and we believe the measures we have outlined here and our good record of managing our obligations in meeting the licencing objectives will minimise or eliminate disturbance.

h. There is a population of bats close by

We have not witnessed bats in the outdoor areas of The Manor House. Also, we do not believe the limited number of occasions and the limited hours on which licensable activities will be held will result in disturbance to any bats nearby. All activities will be finished and those in attendance indoors by 11.p.m.

i. There will be a late spill of people into the town centre as a result of activities. We have held licensable events since 2015 and we have demonstrated that events at The Manor House are managed within the licencing objectives so as not to cause a public nuisance.

j. Hours Monday to Friday are extensive and unnecessary / 8.a.m – 11.30.a.m is unacceptable / 8.a.m start is unnecessary.

We have applied for hours starting at 8.a.m. to allow us to cater for funerals where we have a special request by the family to serve drinks or a specific type of drink. Also it is possible that we will host events such as craft fayres where craft alcoholic drinks will be served – for example craft gin, Sanction Gin is registered at The Manor House.

We already have a licence until 11.30.p.m. at weekends and we have demonstrated that we can manage within the licence objectives until that time and meet our planning condition for activities to end by midnight.

- k. **The Manor House will require a sperate planning application to operate licensable activities beyond midnight on New Years Eve.**
We acknowledge this and if required a planning application will be made.
- l. **Off- Sales will cause a nuisance.**
We have operated off-sales since we have had a licence from 2015 without any problems or issues. We will continue to manage off-sales in the same way and within the licencing objectives.
- m. **Objection on the grounds of safety**
Management of health and safety is one of the four licencing objectives we have met satisfactorily since The Manor House has had a premises licence from 2015. We will continue to do so.
- n. **The letter from Mr Parsons the applicant is misleading about the extensive hours and the number of occasions. Application does not illustrate restrictions.**
As mentioned in the letter to residents the premises licence application form is inflexible and it was not possible to show accurate intentions for use of The Manor House for licensable activities. The letter from Mr Parsons was intended to clarify our intentions and further clarification is given here.
- o. **There is occasionally a disturbance when bottles are emptied into recycling late at night.**
We have instructed staff not to empty bottles late in the evening and we apologise if this has happened on occasion. Wherever possible we will not empty bottles into recycling beyond 10.p.m. At rare and busy events this may be unavoidable to maintain a safe environment indoors but we will try to avoid it.
- p. **Restricted access for fire engines if the car park is used for events. Car park is used for events.**
Only a part of the car park will be used for events and there will always be access for fire engines. We will manage events to meet the health and safety objective within the licencing objectives.
- q. **There is no plan for ensuring there is no harm to the public good.**
The Manor House has had a premises licence since 2015 and has been required to manage within the four licencing objectives including public nuisance, mindful of our situation, we have a good record of doing this.
- r. **Part of a neighbours property sits within the Car Park of The Manor House**
The photographs supplied with the objection in fact shows the 1937 extension part of The Manor House itself. Manor Cottage does not sit within the car park of The Manor House though the owners have a right of access to a side gate on the entrance road which will always be protected.
- s. **The Manor House is a treasured building**
We completely agree and we wish to do everything we can to make the building viable so that it can be maintained and improved in the future. For this reason we wish to improve the offer that we have for weddings and other activities.

- t. **The Building has gone from being an office building to a venue**
To ensure that The Manor House is viable as a business we have made it a multi-activity venue. The dominant activity of the Manor House continues to be as offices and there are eight business which currently have offices in the building.

5. Further Comments

- a. **The current owner manages The Manor House licence well and is likely to do so in the future but what happens if he sells the premises?**
We have no plans to sell The Manor House but we can understand that it is reasonable that people have concerns that we may do so and that there will be new owners. For this reason we welcome reasonable restrictions put on the licence with regard to hours and activities.
- b. **It is noted that there are three comments that mention there are no objections to indoor events and we welcome this.**
- c. **It is noted that there is a comment that noise in the inside area is well controlled.**

Finally, I would like to emphasise that The Manor House is primarily an office building and every care is taken to maintain the building in accordance with its status and these ancillary activities help us to do that. It is an independent and privately owned business and though it is a pleasure to own it is also a significant liability and does not receive grant or public support as many historic buildings and small event venues do. The only way we can ensure we have funds for its upkeep and restoration is to generate income. Aware of the heritage and the fact that we have business tenants we are careful to limit the number and nature of events (especially Monday to Friday) to ensure there is no disturbance to either our tenants or our neighbours.

Yours sincerely

Ean Parsons
Manor House (1707) Ltd.

APPENDIX 11 – 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, licencees 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 dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.

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

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

7.13 Drugs/Knives/Weapons: The Licensing Authority will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands within the

premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

8.0 Public Safety

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

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

9.0 Prevention of Public Nuisance

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

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

9.3 If an external structure or area is to be used by customers, whether for consumption of alcohol or for smoking, the applicant will be expected to offer measures designed to minimise its impact on local residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on hours that areas / structures will be used, appropriate signage requesting customers to consider local residents and monitoring of such areas by staff.

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

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

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

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

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

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

10.0 Protection of Children from Harm

10.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm and the effects of alcohol on parenting.

10.2 The Act makes it an offence for any child under the age of 16 who is not

accompanied by an adult from being present:

- ☐ At any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
- ☐ Between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises
- ☐ The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to Individual premises where it is necessary to prevent physical, moral or psychological harm.

10.3 The Licensing Authority may consider the following when dealing with a licence application where children may have limited access:

- ☐ Limitations on the hours when children may be present.
- ☐ Limitations on under 18s
- ☐ Limitations or exclusion when certain activities are taking place.
- ☐ Requirements for an accompanying adult to be present.
- ☐ Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature).
- ☐ Limitations on the parts of premises to which children might be given access.
- ☐ Any other limitations appropriate to the application and according with the four licensing objectives.

10.4 The Licensing Authority will work closely with the Police and the Council's Trading Standards service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17 year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25.

10.5 The Licensing Authority is aware of young persons' vulnerability to alcohol and events which are aimed at children under the age of 18 years on licensed premises will not be supported by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

10.6 The Licensing Authority, Durham Constabulary Alcohol Harm Reduction Unit and the Local Safeguarding Children Board have produced a "good practice guide" for an event catering for under-18's and mixed events of under and over 18's. This guide is highly recommended by the Licensing Authority and should be adhered to by licence holders and event organisers.

10.7 Recorded staff training programmes, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales and proxy sales and are to be encouraged.

10.8 The Licensing Authority commends the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.

10.9 Access to Cinemas: In the case of premises requiring an licence to show films, applicants should include in the operating schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

10.10 The Act provides that it is mandatory for Licensing Authorities to include a condition in all premises licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Licensing Authority itself.

10.11 Should the Licensing Authority need to adopt its own system of film classification the information regarding such classifications will be published on the Local Authority's website.

10.12 Children and Public Entertainment: Many children go to see and / or take part in an entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises.

10.13 Where entertainment requiring a Licence is specifically presented for children, the Licensing Authority will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The Council will require those caring for or supervising children to have undergone an appropriate Criminal Record check with the Disclosure and Barring Service.

10.14 With regard to this Licensing Objective, the Licensing Authority considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified as a result of premises, personal applications and all variations to licences are covered by this protocol.

10.15 Applicants are advised to seek advice from the Local Safeguarding Children Board and incorporate any recommendations in their Operating Schedule before submitting their applications

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

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

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

APPENDIX 12 – SECTION 182 GUIDANCE

Crime and disorder

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

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

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

Public safety

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

Ensuring safe departure of those using the premises

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

Maintenance and repair

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

Safe capacities

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

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

those premises should be:

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

Public nuisance

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

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

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;

- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that

each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act

Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority