

Statutory Licensing Sub-Committee

13th November 2018



Application for the grant of a Premises Licence

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

Name and Address of Premises: Shergill Stores, 24 Front Street, Sherburn Village, Co Durham, DH6 1HB.

1. Summary

The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for Shergill Stores, 24 Front Street, Sherburn Village, Co Durham received from Mr Amrik Singh.

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

2. Details of the Application

An application for the grant of a premises licence was received by the Licensing Authority on 21st September 2018. A copy of the application is attached as Appendix 2.

The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.

The proposed licence activities are listed below:

Proposed Licensable Activities	Days & Hours
Supply of Alcohol (consumption off the premises)	Monday to Saturday: 11:00 to 21.30 hrs Sunday: 12:00 to 20:30 hrs
Proposed Opening Times	Monday to Saturday: 11:00 to 21.30 hrs Sunday: 12:00 to 20:30 hrs

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

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

A response not amounting to a representation was also received from Durham County Council Planning Department which has been forwarded to the applicant, see attached Appendix 4.

3. The Representations

The Licensing Authority received ten letters during the consultation period in relation to the grant of the premises licence application. Three letters were received from residents in support of the application. The remaining seven letters were received from Durham Constabulary, Councillors and residents in opposition to the application.

The licensing authority deemed all letters of representation as relevant, relating to the following licensing objectives

- The Prevention of Crime & Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

A copy of the representations are attached as Appendix 5.

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 Department
- County Durham Fire Authority

Copies of these responses are attached at Appendix 6.

4. Parties

The Parties to the hearing will be:

- Mr Amrik Singh (Applicant)
- Mr Foster (other person – in support of applicant)
- Mr Yeats (other person – in support of applicant)
- M Colledge (other person – in support of applicant)
- Durham Constabulary (Responsible Authority)
- Mr Seymour (other person – opposed)
- Cllr Hall (other person - opposed)
- Cllr Kellett (other person - opposed)
- Mr Pallas (other person - opposed)
- Mr Young (other person – opposed)
- Mr & Mrs Robson (other persons – opposed)

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 and Disorder
- 8.0 Public safety
- 9.0 Prevention of Public Nuisance
- 10.0 Protecting Children from Harm
- Appendix B - Framework Licensing Hours

Relevant information is attached as Appendix 7.

6. Section 182 Guidance

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

- 2.1 – 2.6 Crime and Disorder
- 2.7 – 2.14 Public Safety
- 2.15 – 2.21 The Prevention of Public Nuisance
- 2.22 – 2.32 Protection of Children from Harm

Relevant information is attached as Appendix 8.

7. For Decision

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

Background Papers:

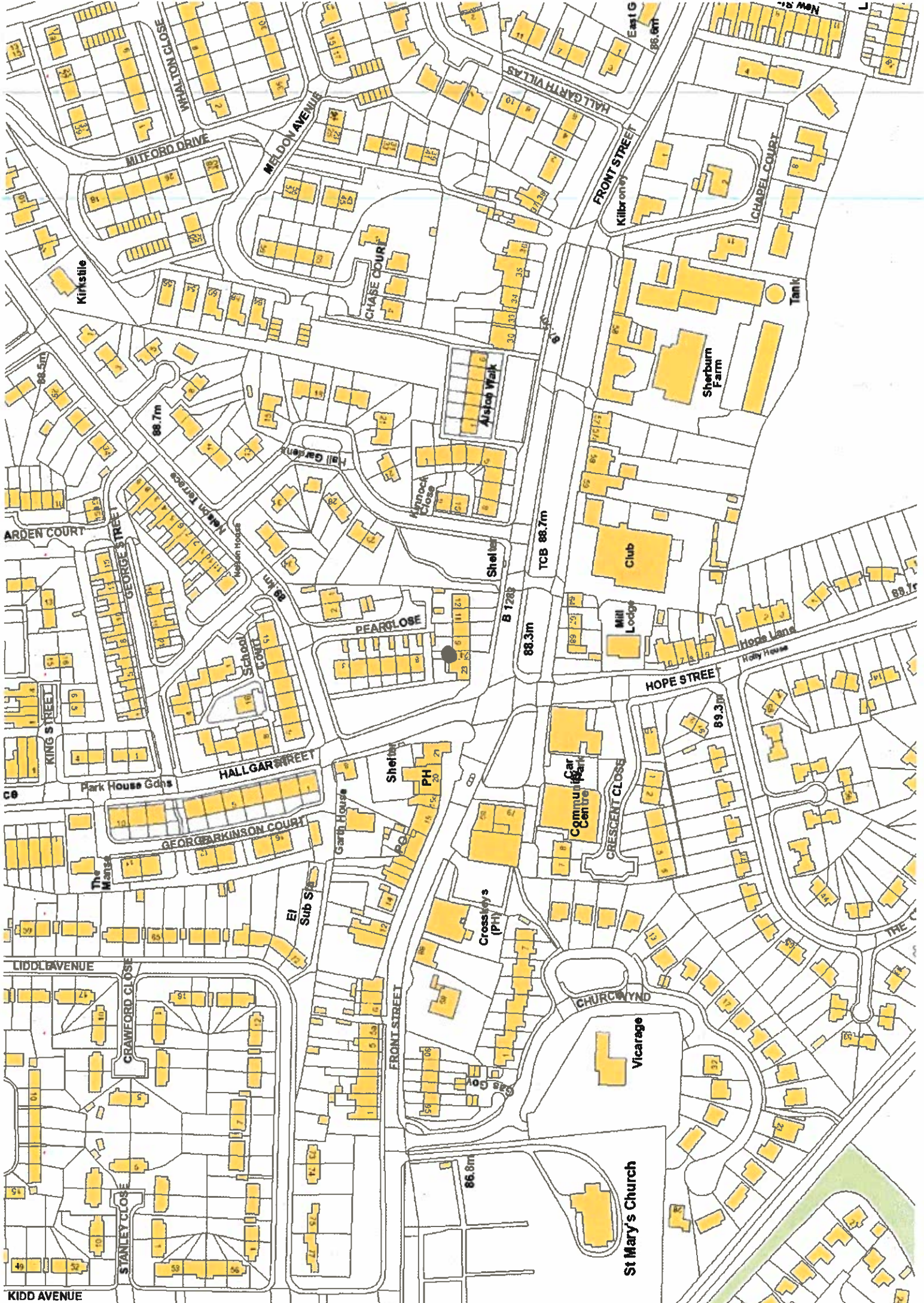
- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (as amended April 2018)

Contact: Karen Robson

Tel: 03000 265104

Email: karen.robson2@durham.gov.uk

APPENDIX 1 – LOCATION PLAN



Kirkstile

MITEORD DRIVE

MELDON AVENUE

CHASE COURT

FRONT STREET

HOPE STREET

CHURCHWYND

Vicarage

St Mary's Church

KIDD AVENUE

Arden Court

George Street

Hall Gar Street

Garth House

Garth House

Garth House

Garth House

Garth House

Garth House

Garth House

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Mill Lodge

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APPENDIX 2 - APPLICATION FORM

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

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We AMRIK SINGH
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises details

NOW SHERGILL STORES

Postal address of premises or, if none, Ordnance Survey map reference or description <u>30225 KABIN</u> <u>24 FRONT STREET</u>			
Post town	<u>SHERBURN VILLAGE</u>	Postcode	<u>DH6 1HB</u>
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | |
|--|--|
| <p>a) an individual or individuals *</p> <p>b) a person other than an individual *</p> <p style="margin-left: 20px;">i as a limited company/limited liability partnership</p> <p style="margin-left: 20px;">ii as a partnership (other than limited liability)</p> <p style="margin-left: 20px;">iii as an unincorporated association or</p> | <p><input checked="" type="checkbox"/> please complete section (A)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> |
|--|--|

- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname SINGH		First names AMRIK		
Date of birth over _____		I am 18 years old or <input checked="" type="checkbox"/> Please tick yes		
Nationality _____				
Current residential address if different from premises address		_____		
Post town	_____		Postcode	_____
Daytime contact telephone number _____				
E-mail address (optional) _____				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	11	2019

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

N/A

Please give a general description of the premises (please read guidance note 1)

OFF LICENCE & PROVISIONS & DAIRY PRODUCTS
SWEET & SNACKS & SANDWICHES

THE PREMISES ARE LOCATED ON THE MAIN
STREET OF SNEARBYN VILLAGE

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

N/A

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
			State any seasonal variations for performing plays (please read guidance note 5)		
Tue					
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 4)	
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)		
Day	Start	Finish			
Mon					
Tue				State any seasonal variations for indoor sporting events (please read guidance note 5)	
Wed					
Thur					Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri					
Sat					
Sun					

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)			
Wed						
Thur						
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Fri						
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue			State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	11 Am	9.30 PM						
	Am	Pm						
Tue	11 Am	9.30 PM						
	Am	Pm						
Wed	11	9.30						
	Am	Pm						
Thur	11	9.30				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
	Am	Pm						
Fri	11	9.30						
	Am	Pm						
Sat	11	9.30						
	Am	Pm						
Sun	12	8.30						
	Am	Pm						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name		AMRIR SINGH	
Date of birth			
Address			
Postcode			
Personal licence number (if known)			
Issuing licensing authority (if known)			



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	11	9.30	
	Am	Pm	
Tue	11	9.30	
	Am	Pm	
Wed	11	9.30	
	Am	Pm	
Thur	11	9.30	
	Am	Pm	
Fri	11	9.30	
	Am	Pm	
Sat	11	9.30	
	Am	Pm	
Sun	12	8.30	
	Am	Pm	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

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

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

STRONG MANAGEMENT CONTROL & EFFECTIVE TRAINING OF THE STAFF SO THAT THEY ARE AWARE OF PREMISES LIC. & THE REQUIREMENTS

- 1) - NO SELLING OF ALCOHOL TO UNDERAGE PEOPLE
- 2) - NO DRUNK & DISORDERLY BEHAVIOUR ON THE PREMISES AREA
- 3) - VIGILANCE IN PREVENTING THE USE & SALE OF ILLEGAL DRUGS at retail area
- 4) - NO VIOLENT & ANTI SOCIAL BEHAVIOUR
- 5) - NO HARM TO CHILDREN / 24HR CCTV WITH RECORDING

b) The prevention of crime and disorder

CCTV SYSTEM INSTALLED TO MONITOR INSIDE & OUTSIDE OF THE PREMISES IN ORDER TO ADDRESS PREVENTION OF CRIME OBJECTIVE

CLEAR NOTICE OF OPENING HOURS & TERMS OF THE PREMISES DURING WHICH LICENSEABLE ACTIVITIES ARE PERMITTED

NO SALE OF ALCOHOL TO DRUNK PEOPLE

STAFF WILL BE TRAINED IN ASKING CUSTOMERS TO USE PREMISES IN ORDERLY & RESPECTFUL MANNER & PREVENT DRINKING at retail UNIT

c) Public safety

WELL TRAINED STAFF ADHERENCE TO ENVIRONMENT HEALTH REQUIREMENTS

INTERNAL & EXTERNAL FIXED LIGHTING TO PROMOTE PUBLIC SAFETY OBJECTIVE

UNDERAGE ID CHECKS

ALCOHOL BOOK RECORDS OF ANY AGE REFUSAL TO SERVE

24HR CCTV RECORDING CAMERAS INSIDE & OUTSIDE

d) The prevention of public nuisance to THE BUSINESS

DELIVERY OF THE GOODS WILL BE CARRIED OUT IN SUCH A MANNER AS TO PREVENT NUISANCE & DISTURBANCE TO THE MINIMUM

CUSTOMERS WILL BE ASKED NOT TO GATHER AROUND & TALK LOUDLY IN THE STREET OUTSIDE PREMISES

ADEQUATE WASTE RECEPTACLES FOR USE BY CUSTOMERS WILL BE PROVIDED IN THE LOCAL VICINITY

CUSTOMERS WILL NOT BE ADMITTED TO PREMISES ABOVE

Opening hours

e) The protection of children from harm

CHANGELING SIGN WILL BE DISPLAYED & CHECKS WILL BE MADE FOR ANYONE WHO IS OVER 18 BUT LOOKS UNDER 25, THEY MUST CARRY ACCEPTABLE ID (Car and bearing no program / Driving license) IF THEY WISH TO BUY ALCOHOL

WELL TRAINED STAFF ABOUT REQUIREMENTS FOR PERSONS ID, AGE establishment etc.

LOG BOOK WILL BE KEPT UPON THE PREMISES ALL THE TIME

FIRST AID KIT WILL ALWAYS BE AVAILABLE AT PREMISES

ALL HEALTH & SAFETY RULES ADHERED

ROLLER METAL SHUTTERS WILL BE FIXED AT FRONT & REAR OF THE SHOP TO KEEP IT SAFE

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> • [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)
Signature	
Date	
Capacity	

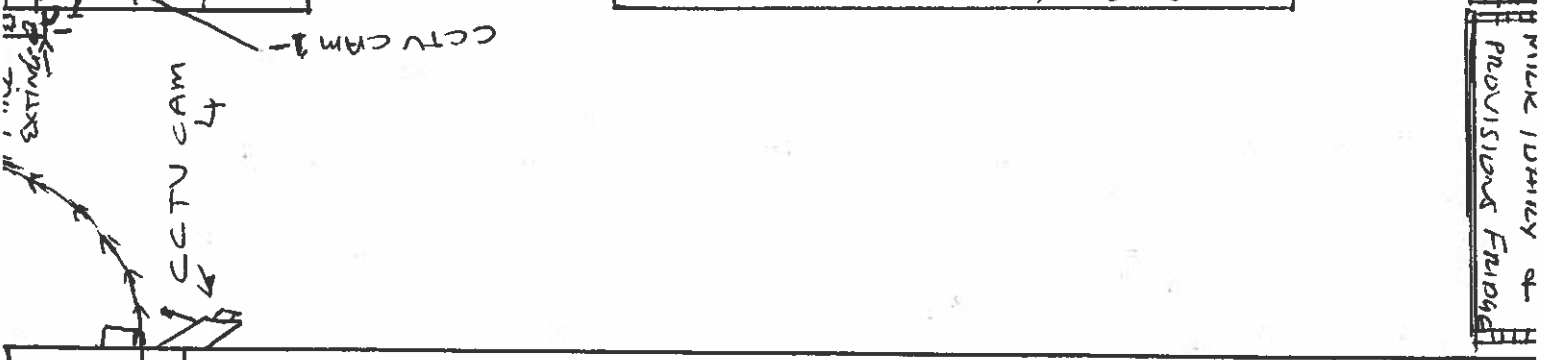
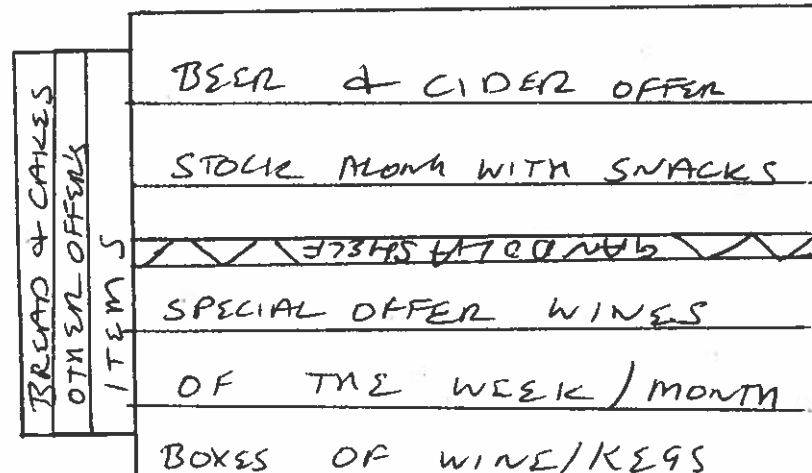
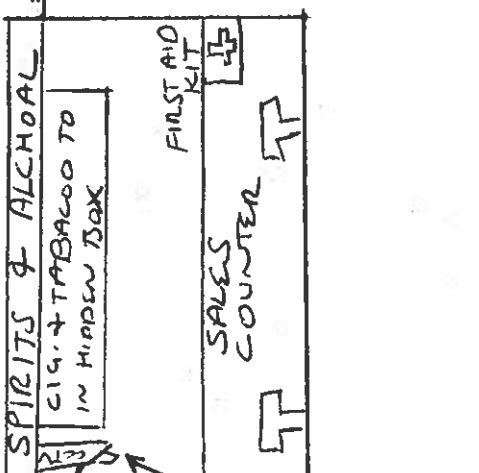
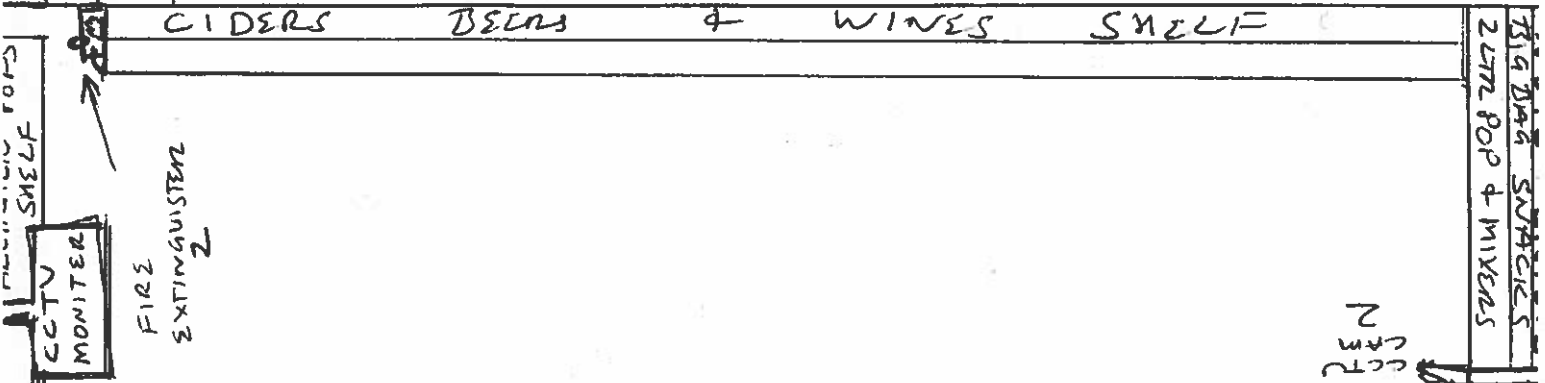
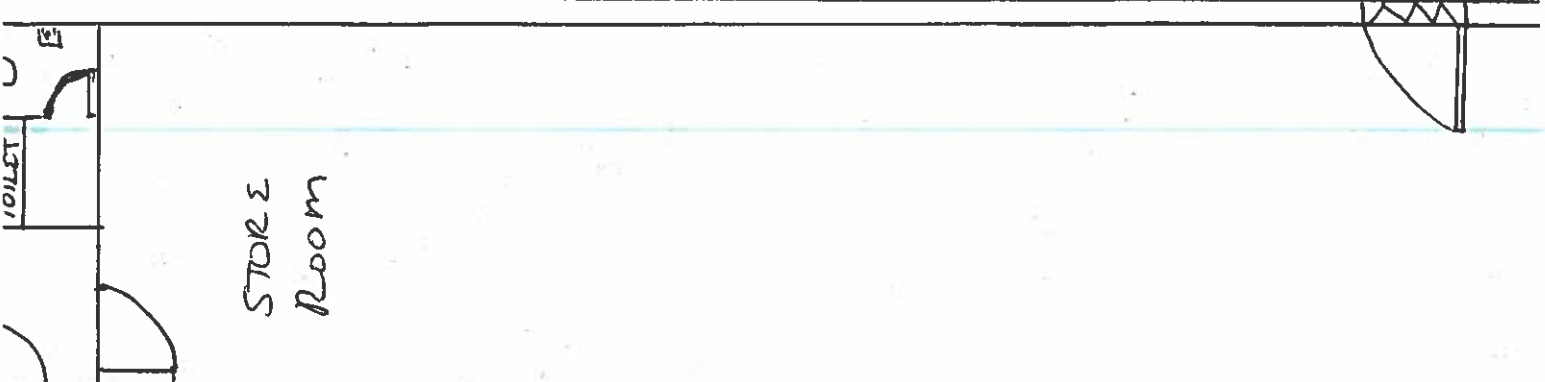
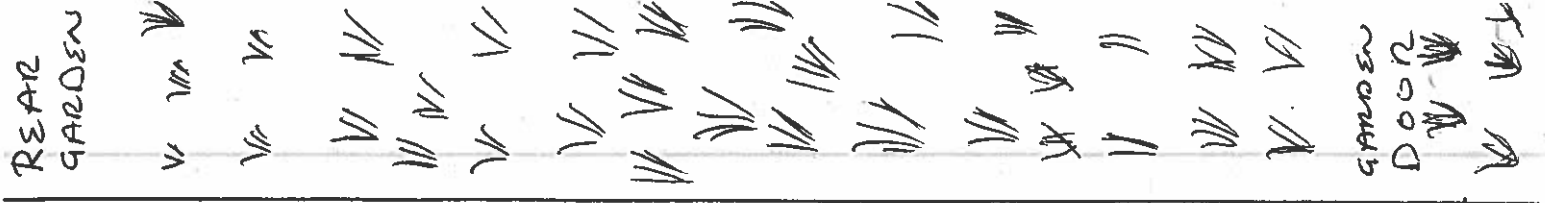
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:



PREMISES
 LICENCE
 DRAWING
 FOR NO24
 FRONT STREET
 SMERBURN VILLAGE
 DN6 1MS
 RATIO 1:100
 LENGTH 6M
 WIDTH 4.5M

CAR PARK

APPENDIX 3 - AGREED CONDITIONS WITH LSCB

From: Mark Quinn
Sent: 08 October 2018 11:35
To:
Cc: Karen Baker; AHS Licensing
Subject: NEW premises licence application - Booze Kabin, Sherburn Village DH6 1HB

Good Morning / Afternoon,

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 Booze Kabin, 24 Front Street Sherburn Village, County Durham DH6 1HB.

I welcome your proposal for age verification and the training of staff.

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I consider that the steps require more clarity and there are some matters which I consider are absent and should be addressed.

(Any premises licence should include a mandatory condition that an age verification policy is operated. Durham Local Safeguarding Children Board recommends and promotes the Challenge 25 standard)

The steps I consider should be included are identified in the proposed wording below:

- **Minimise the risk of proxy sales** – The applicant will work with the police to minimise the risk of proxy provision / proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).
- **Maintain a refusals register** – where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register / log to be updated. The register to be made available to the police on request.
- **Training of staff** – all staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

The purpose of this email is to make the LSCB representations to you and for you to consider these suggestions.

Next Steps – You need to consider the representations I have made.

If you are happy for the recommendations to be included in your application please confirm so by replying to me and the Licensing Section Licensing@durham.gov.uk

These recommendations will then be included in your application, the matter is deemed resolved and your application would progress.

The Durham Local Safeguarding Children Board are concerned about the availability of alcohol to children and encourage licensees to work with us in introducing steps, like those above in an attempt to safeguard children. I consider these steps are proportionate and have proven to be successful when implemented in similar applications.

Please don't hesitate to contact me if you require further information.

My Ref: SB/2018/125

Regards

Mark Quinn
Quality and Performance Coordinator
Durham Local Safeguarding Children Board

From:
Sent: 08 October 2018 12:25
To: Karen Baker
Subject: Re: Licensing - NEW premises licence application Booze Kabin, Sherburn Village
DH6 1HB

Hi Karen

I confirm that we agree to those recommendations as conditions if the

Application for premises license is granted

We would also like to add that we will install an EPOS system which will automatically flash ask customers age with any items such as alcohol Cigarettes & lighters fireworks aerosols or any other age related items

Please call me if you need more information

Regards

Amrik

On 8 Oct 2018, at 12:12,

Good Afternoon Mr Singh,

With reference to the email that you've sent to Mr Mark Quinn agreeing to his recommendations in relation to the above new premises licence application, please can you also confirm that you agree for the recommendations to be added to the premises licence as conditions if the licence is granted.

Please don't hesitate to contact me if you require any further information.

Many thanks

Regards

Karen

Karen Baker
Licensing Assistant
Environment, Health & Consumer Protection
Regeneration and Local Services,
Durham County Council,
Annand House,
Meadowfield,
Durham,
DH7 8RS

Direct: 03000 261016

Switchboard: 03000 260000

E-mail: karen.baker@durham.gov.uk

Web: www.durham.gov.uk

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From: Karen Baker
Sent: 08 October 2018 12:51
To: Trading Standards; Mark Quinn;
Cc: Yvonne Rajne; Karen Robson
Subject: New premises licence application Booze Kabin, Sherburn Village DH6 1HB

Good Afternoon,

For your information -

With reference to the above application Mr Singh has emailed to confirm agreement to LSCB recommendations but has also advised that he would also like to add that he will install an EPOS system that will "automatically flash - ask customers age with any items such as alcohol, cigarettes & lighters, fireworks or any other age related items"

Many thanks

Regards

Karen

Karen Baker
Licensing Assistant
Environment, Health & Consumer Protection
Regeneration and Local Services,
Durham County Council,
Annand House,
Meadowfield,
Durham,
DH7 8RS

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Privacy Notices and Data Protection

We have recently updated our privacy information.

To find out how we collect, use, share and retain your personal data, visit:

www.durham.gov.uk/dataprivacy

APPENDIX 4 – RESPONSE FROM PLANNING

From: Lisa Morina
Sent: 24 September 2018 11:55
To: Karen Baker
Subject: 24 front Street, Sherburn - CON28/18/02320

Proposed **Application for a new premises licence.**
At **24 Front Street Sherburn Durham DH6 1HB**

I refer to the above.

I would be grateful if the following can be passed on to the applicant.

The current authorised use of the property is an office (Use Class B1). From the information provided, the new authorised use of the property appears to be a shop (Use Class A1).

A formal application for planning permission would be required to formally change the use of the property from B1 to A1 on a permanent basis.

However the applicant also has the option of a temporary change of use for a temporary change of use for two years. This allows the property to be used as a shop for a maximum single continuous period of up to 2 years beginning on the date the building and any land within its curtilage begins to be used for the flexible use or on the date given in the notice under paragraph D.2(a), whichever is the earlier providing the change of use relates to more than 150 square metres of floor space in the building. This is subject to the Council being notified of the date the site will begin to be used and what that use will be, before the use begins and that at the end of the two year period the use reverts back to an office unless a formal change of use has been received and approved.

Should you require any further information please do not hesitate to contact me on the details given.

Thanks

Lisa

Lisa Morina
Planning Officer
Planning Development (Central East).

APPENDIX 5 – REPRESENTATIONS IN SUPPORT

From: A
Sent: 05 October 2018 16:32
To: AHS Licensing
Subject: Re: Mr Amrik Singh Application for Off the Premises Licence Sherburn Village

Categories:

Dear Sir/Madam.

With reference to the application by Mr Singh for an 'Off Premises Licence' at 24 Front Street, Sherburn Village, whilst I am unable to comment on the technicalities of the application, I would like to offer a character reference for Mr and Mrs Singh. I have known them for a few years through their involvement in Sherburn based community work where they have made a significant contribution through their time, fundraising and support in cultural activities, in particular with the local school.

As I've mentioned, I can't comment on the technicalities only on the character of the applicant (s). I do hope this helps in your decision making process.

Kindest regards

A Foster
Sherburn Village

From: R Yeats
Sent: 03 October 2018 15:21
To: Karen Robson
Subject: Mr A Singh - Licensing

Hi Karen,

I have recently been informed that Mr. Amrik has made application for an alcohol licence in Sherburn Village. I would like to say that the village would benefit from such an establishment. Primarily, the said establishment would provide much needed competition in the area as, at present, the shops seem to charge over inflated prices, but also would, I hear, provide jobs for at least two persons.

Mr. Singh is known to me and is, in my opinion, an astute and honest person and any business venture he might undertake in Sherburn Village would be welcome.

Regards

Mr. R. Yeats. (Resident in Sherburn Village)

From: A Colledge
Sent: 02 October 2018 09:
To: Karen Robson
Subject: Booze Cabin

Hi, I am from the village and fully support this store. I think the food would do fantastic along side the other products they want to sell, they are wonderful people.

APPENDIX 5 – REPRESENTATIONS IN OPPOSITION

From: Aimee Guest
Sent: 18 October 2018 10:08
To: Karen Baker
Subject: Objection - Booze Kabin
Attachments: Booze Kabin.docx

Good Morning

Please find attached the objection from Durham Constabulary for Booze Kabin, Sherburn Village

Kind Regards

**7570 Aimee Guest
Licensing Officer
Alcohol Harm Reduction Unit
Business Innovation and Development Command
Durham, Peterlee and Seaham areas
Meadowfield
Durham Constabulary**

RE: Fwd. Booze Kabin, 24 Front Street, Sherburn Village, County Durham DH6 1HB

Durham Constabulary object to the granting of an off licence for the premises at 24 Front Street, Sherburn Village on the grounds that the proposal will create public nuisance.

The site of the proposed off licence is situated on a main route through the village and is part of a terrace which includes four dwellings, there is an area of public open space to the east of the terrace.

In the past the building has been used as offices and a chiropodist's clinic both uses generated limited footfall which had a limited (adverse) impact on the amenity of the residents, the concern is that to be viable the Booze Kabin will have to generate a large increase in footfall which will be to the detriment of the residents.

There is no parking at the location which means customers using vehicles are likely to park on Front Street creating inconvenience and potentially an enforcement issue.

There are already two off licences competing for trade in the village, the increased competition is likely to lead to discounting which can lead to the encouragement of binge drinking.

There is a great deal of opposition from the public which indicates the proposal would not be servicing an identified need.

From: E Seymour
Sent: 08 October 2018 14:23
To: Karen Robson
Subject: Fwd: 24 Front Street Sherburn Village booze tavern

From: E Seymour
Date: 8 October 2018 at 14:02:07 BST
To: licencing@durham.gov.uk
Subject: 24 Front Street Sherburn Village booze tavern

From Front Street Sherburn Village .

The house next door to the booze tavern houses a very young family with 2 young girls and 2 young boys . They also have a pet Shetland pony that they keep in the front garden . It got out this morning and was running up and down front street causing a lot of problems with the traffic before they caught it . I personally think an alchohol Shop next door to a young family is a very bad idea . Having a Shetland pony in the front garden dose not cause any problems at the moment but if the licence is granted , youths could cause a lot of distress to the animal .

I've also noticed in your help guide appendix 3 . It says the application has to be in blue , on an a4 sheet of paper and in the front window at an appropriate height . It is that is ok . It also says it has to be paced on the highway 50 meters either side of the property . This has not been done .

We at _____ are objecting to the granting of an alcohol licence to the booze tavern at 24 Front Street Sherburn Village .

1 prevention of crime and disorder

There will be a need for more than one person to work in the shop on dark nights because of a risk of Shop lifting and antisocial behaviour outside . We've spoken to the County Durham planning office and the proposed external roller shutters to the front and rear doors and windows would have to be put before them if an alcohol licence was granted and as the shop is in the conservation area and is over 150 years old , no other shop that age has external shutters , they have said that it would be very unlikely that they would be approved. It's the same with the rubbish bins they say they will provide . They cannot just put out a bin they are not allowed to , it is a conservation area and they have to apply to the council for one ,this will have to be a conservation bin as well payed for by 24 Front Street .

2. Public safety

I've already mentioned the shutter situation , that still applies here . They say the will put external lighting outside for public safety . They are not allowed they have to apply to the planning department and put up notices in the shop window and if they do not get any letters of objection then the council will decide if they are allowed to be installed and then they will be told were to put them and they will have to be conservation lights , these lights do not give out much light because we have looked into putting them above our shop.

3 public nuisance

The Co-op only yesterday had people walk out with all of the joints of meat from the fridge . A youth smashed an upstairs window in the Co-op last night . The Co-op have a serious problem with youths gathering outside the shop bothering people to go inside and buy alcohol and cigarettes every night . Just read Sherburn Village pact meeting minutes. Youth problems outside the Co-op are on every month. The worry is these youths could and probably would move over to the booze tavern if the licence is granted because it is new . I personally know of these problems because when I got my licence youths tried all the tricks on me and I refused every one . I know personally all of the underage youths in this village . The booze tavern will not . I only got caught out the one time , a 19 year old man bought a bottle of wine and walked outside and put it into a 15 year old girls bag . I personally chased the girl and got the wine back , I then phoned the police and got them to do a house visit on the 19 year old man . Can the booze cabin do that . About 90% of the people that live in Peart close next door to the booze tavern are oap's they all come into my shop and have told me personally that they feel they will be trapped inside there houses if this goes ahead . That's not fair on people that have lived there for 30 or 40 years like some of them have . There is also a big issue with the lack of parking near that shop . It has white lines all around it and the roundabout is an accident black spot . The air ambulance was there in the summer for a very serious motorcycle accident .cars have been on top of the bollards . There is at least 2 to 3 accident's a week there and 10 near misses nearly every day , we hear car horns honking all the time . It is on one of the buisniest a roads in County Durham . The little parking that there is used by residents and customers for cooplands next . Cooplands use a 7.5 tin lorry for delivery and they park down the street. There is a bus stop not far down and busses have problems with the traffic parked there . Cooplands do not have shutters and they have been broken into 4 times in the last fue years . 3 very expensive gaggia coffee machines were stolen , they cost them thousands of pounds each to replace . The other off-licence called the village Shop was broken into this summer and all the cigarettes and alcohol was taken . They had cameras inside and out as well as an alarm . Another concern we have with the booze tavern is that it will not be occupied overnight . The store room upstairs is to small to turn into a flat and there is no fire alarm , no fire breaks and no separate fire escape for the upstairs . They say they will have a first aid box on site . That is good but will everybody that works there have a 1st aid certificate . It is only a very small shop and the old external walls cannot be pulled down to extend it into the flat roof rear storage area because the head height is to low in the rear , they also cannot do this because it is in the conservation area and that

Shop is over 150 years old , it was originally the old lending library for Sherburn Village and is a very historic building. There is also a serious problem with youths drinking on the streets in Sherburn Village , around the sports centre, behind the Co-op , down the dark lane were the old pizza shop used to be at and next to the old railway track on the way to belmont . The owners of 24 Front Street do not have the local knowledge to keep alchohol out of the reach of youths , they don't no who to look out for and that in itself is a big risk to the youth in Sherburn Village .

From mr E Seymour Front Street Sherburn Village.







From: Cllr David Hall
Sent: 24 September 2018 16:39
To: Karen Robson
Subject: RE: Booze Kabin, 24 Front Street, Sherburn Village, County Durham DH6 1HB

I object on the grounds of residential location and proliferation of off licenses in the village, one more would be excessive, and the potential impact on health locally, especially young people, and anti social behaviour.

Sincerely,
David

From: Cllr David Hall
Sent: 18 October 2018 12:57
To: Karen Robson
Subject: Re: Shergill Stores - previous name proposed - Booze Kabin Sherburn Village

Hi Karen

Final version "Based on local residents concerns raised with me and knowledge of existing issues and concerns for young people and alcohol related health issues in the village for some people, I object on the grounds of residential location, being too close to houses that are away from the main shopping area, and proliferation of off licences in the village as one more is not needed, and concerns for the potential impact on health locally, especially young people, and worsening existing anti social behaviour or causes of poor health in the area"

David

From: Cllr Bill Kellett

Sent: 24 September 2018 09:48

To: Karen Bake

Subject: RE: Licensing - New Premises licence application received – Booze Kabin, 24 Front Street, Sherburn Village, County Durham DH6 1HB

Hi,I would like to oppose this application.

I am aware of an existing problem with youths congesting in a nearby narrow alleyway . This seems to me to be likely to make the situation worse.. There are also two local shops who already sell alcohol.. The premises are located next to a busy crossroads and could pose a potential Highways problem

Best regards Bill Kellett MA

From: c pallas
Sent: 04 October 2018 12:49
To: AHS Licensing
Subject: Bargain Booze, 24 Front Street, Sherburn Village, Durham

Dear Sir/Madam

Can I strongly object to the licensing proposal sent in for the above shop to open in Sherburn Village. Please see my reasons below.

1. We have a Coop and a newsagents that's now licensed to sell alcohol so surely this is a sufficient amount of shops selling to people.
2. It will bring the area down and cause more problems for bored children and encourage them to congregate outside plaguing adults to buy it for them.

We seem to have an abundance of one particular amenity here in Sherburn Village i.e. too many hairdressers, why can't it be developed into something useful to the community or a business that focuses on requirements for us all for example a butchers or fish and chip shop.

Sherburn Village does not need another shop selling alcohol in todays society leading people to drink excessively, please don't give people the temptation by allowing this to go ahead.

I look forward to your reply.

Kindest Regards
C Pallas

St Mary's Drive
Sherburn Village
Durham
DH6 1RL

From: C Young
Sent: 19 October 2018 16:54
To: AHS Licensing
Subject: Application for the grant of a premises licence 24 Front Street, Sherburn Village

To whom it may concern

I wish to object to the granting of a licence at these premises

I am a resident of Sherburn Village of 20 years. I live at

I wish to object for a number of reasons

1. Sherburn already has three licensed premises. Newsagents, Co-Op and Margarets. All offer cheap booze and the independent retailers are already struggling to maintain regular customers and compete with the Co-Op. This means offering increasingly cheap alcohol, at a time when other governments (Scotland) are introducing higher minimum price for alcohol.
- 2 Another business of this type would be detrimental, negative and harmful to the Front Street area and have a negative impact on the visual street scene. It is a nice looking residential property next to Cooplands which separates from the other homes.
- 3 This is a historical village setting and a conservation area. The loss of another residential dwelling when there is an apparent need for housing locally, especially affordable housing for the many young persons in the village, to remain in local area makes no sense.
- 4 There would be an impact on the enjoyment of the area for local residents due to possible further licensing and as a result of a prominent location so close to residential amenities.
- 5 This area is notably for housing the elderly and vulnerable and would attract younger people to the area seeking cheap booze.
- 6 Sherburn does not need another licensed premises. We have three shops and three pubs and clubs all offering alcohol at cheap rates - and still struggling for customers. A pint of John Smiths in the Lambton and WMC, for example, is the same price as four cans of the same in the Co-op and newsagents. It is the same for lager and cider.
- 7 Sherburn has an issue with young people harassing older members of the community to buy them alcohol in shops and loitering outside these premises.
- 8 Drinking and drug taking among younger people at the area around the sports centre are ongoing and a police and parish council concern.

Many thanks

C Young

From:
Sent: 08 October 2018 14:16
To: AHS Licensing
Subject: application objection

Categories:

We wish to object to the granting of an alcohol license application for Booze kabin 24 front street sherburn village county durham dh6 1hb, for the following reasons. We already have licensed premises at the co-op and local newsagents, and a pub and working mens club within fifty yards of this address. We do not need more alcohol retailers in this area. Being in a residential area, we fear the inevitable congregation of gangs of kids gathering outside the premises. This may lead to an increase in alcohol sales to under age people, as well as anti-social behaviour, and littering in the streets and in our front gardens. We do not want to be accosted when we leave the house by children wanting us to go in and buy alcohol for them. The premises in on a busy junction, passing trade will see more cars parking at the roadside, congesting pavements, and narrowing the roads, at a junction which sees several accidents each year. We fear an increase in drunken behaviour outside our homes. We also object to the name 'Booze kabin', we feel this blatant tasteless title sends out the wrong message, which encourages drinking in a society which has an increasing problem with alcohol abuse. We ask that you consider our objection sympathetically, and as public servants you take the wishes of the community into account in your decision making. This shop is something we do not need. Thank you for your time, Mr and Mrs Robson Sherburn village.

APPENDIX 6 – COMMENTS FROM RESPONSIBLE AUTHORITIES

From: Martin Scott
Sent: 21 September 2018 16:11
To: Karen Baker
Subject: Booze Kabin, 24 Front Street Sherburn Village, County Durham DH6 1HB

Dear Karen

Thank you for consulting the Nuisance Action Team , regarding the New Premises Licence for:

Booze Kabin, 24 Front Street Sherburn Village,

Dated: 21st, September, 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

Date: 18 October 2018

This matter is being dealt with by: Chris Hockaday

Ext:

Our Ref: 2E41750005

Your Ref: XX

Amrik Sinah

Dear Sir

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Sher Gill Stores, 24 Front Street, Sherburn, Durham, DH6 1HB

I acknowledge your application dated 21 September 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.

Yours faithfully

Chris Hockaday
Fire Safety Section

APPENDIX 7 – STATEMENT OF LICENSING POLICY

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

7.0 The Prevention of Crime and Disorder

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

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

7.3 The Licensing Authority recommends that all applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit 14 television in certain premises should be considered by applicants, 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 8 – SECTION 182 GUIDANCE

Crime and disorder

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

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

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

Public safety

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

Ensuring safe departure of those using the premises

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

Maintenance and repair

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

Safe capacities

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

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

those premises should be.

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

Public nuisance

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

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

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