

Statutory Licensing Sub-Committee

Wednesday 22nd August 2012

Application for the Variation of a the Premises Licence



Report of Terry Collins, Corporate Director, Neighbourhood Services

Name and Address of Premises: La Spaghetata, 66 Saddler Street,
Durham, DH1 3NP

1. Summary

The Sub-Committee is asked to consider and determine the application for the variation of a premises licence received from:

Fabio Ciampolillo
c/o Morton Solicitors
112 High Street West
Sunderland
Tyne and Wear. SR1 1TX

A plan showing the location of the premises is attached as Appendix 1.
A plan of the internal layout of the premises will be available for Members to view at the hearing as the plan is too large to be copied for inclusion in the report.

A copy of the existing premises licence is attached as Appendix 2.

2. Details of the Application

On 2ND July 2012 the Licensing Authority received an application for a variation of a premises licence from Morton Solicitors in respect of La Spaghetata, 66 Saddler Street, Durham. A copy of the application and covering letter from Mortons Solicitors is attached as Appendix 3.

The details of the application to vary a premises licence are as follows:

Details of Existing Premises Licence	Details of Variation Application
<u>Opening hours of the premises</u> Monday to Sunday – 10.30 to 02.00	<u>Opening hours of the premises</u> Monday to Thursday – 10.30 to 02.30 Friday and Saturday – 10.30 to 03.30 Sunday – 10.30 to 02.30

<p><u>Performance of Live Music (indoors)</u></p> <p>Monday to Thursday & Sunday – 10.30 to 00.00 Friday & Saturday – 10.30 to 01.30</p>	<p><u>Performance of Live Music (indoors)</u></p> <p>Monday to Thursday - 10.30 to 02.00 Friday and Saturday – 10.30 to 03.00 Sunday - 10.30 to 02.00</p>
<p><u>Playing of Recorded Music (indoors)</u></p> <p>Monday to Thursday & Sunday – 10.30 to 00.00 Friday & Saturday – 10.30 to 01.30</p>	<p><u>Playing of Recorded Music (indoors)</u></p> <p>Monday to Thursday – 10.30 to 02.00 Friday and Saturday – 10.30 to 03.00 Sunday - 10.30 to 02.00</p>
<p><u>Performance of dance</u></p> <p>N/A</p>	<p><u>Performance of dance</u></p> <p>Monday to Thursday – 10.30 to 02.00 Friday and Saturday – 10.30 to 03.00 Sunday - 10.30 to 02.00</p>
<p><u>Anything of a similar description</u></p> <p>N/A</p>	<p><u>Anything of a similar description</u></p> <p>Monday to Thursday – 10.30 to 02.00 Friday and Saturday – 10.30 to 03.00 Sunday - 10.30 to 02.00</p>
<p><u>Provision of Facilities for Dancing (indoors)</u></p> <p>Monday to Thursday & Sunday – 10.30 to 00.00 Friday & Saturday – 10.30 to 01.30</p>	<p><u>Provision of Facilities for Dancing (indoors)</u></p> <p>Monday to Thursday – 10.30 to 02.00 Friday and Saturday – 10.30 to 03.00 Sunday - 10.30 to 02.00</p>
<p><u>Anything of a similar description</u></p> <p>N/A</p>	<p><u>Anything of a similar description</u></p> <p>Monday to Thursday – 10.30 to 02.00 Friday and Saturday – 10.30 to 03.00 Sunday - 10.30 to 02.00</p>
<p><u>Late Night Refreshment (indoors)</u></p> <p>Monday to Sunday – 23.00 to 02.00</p>	<p><u>Late Night Refreshment (indoors)</u></p> <p>Monday to Thursday – 23.00 to 02.00 Friday and Saturday – 23.00 to 03.00 Sunday - 23.00 to 02.00</p>
<p><u>Sale of Alcohol (on the premises)</u></p> <p>Monday to Sunday – 10.30 to 02.00</p>	<p><u>Sale of Alcohol (on the premises)</u></p> <p>Monday to Thursday – 10.30 to 02.00 Friday and Saturday – 10.30 to 03.00 Sunday - 10.30 to 02.00</p>

The application has been advertised on the premises and in the local press as prescribed.

3. The Representations

The Licensing Authority received one representation from a Responsible Authority namely Environmental Health. This is attached as Appendix 4.

A further two representations were received from Cllr David Stoker and Cllr David Freeman. On 31st July, Cllr Stoker submitted additional comments and on 5th August, Cllr Freeman also provided additional comments. Copies are attached as Appendix 5.

All representations relate to the Prevention of Public Nuisance licensing objective.

On 8th August 2012, additional information was received from Morton's Solicitors in support of Mr. Ciampolillo:

- Submission on behalf of the applicant
- Photographs showing double glazing at the premises
- Location plan
- Letter of support from Ribchesters, neighbouring premises

Copies of these documents are attached at Appendix 6.

4. The Parties

The Parties to the hearing will be:

- Giles McCourt, Mortons Solicitors (Applicant's Solicitor)
- Mr John Dodds, Environmental Protection (Responsible Authority)
- Councillor David Stoker (Other Person)

5. Durham County Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the following relevant part of the Council's Statement of Licensing Policy:

- Section 7.0 Prevention of Public Nuisance

Relevant information is attached as Appendix 7.

6. Section 182 Guidance

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

- 2.33 Prevention of Public Nuisance

7. For Decision

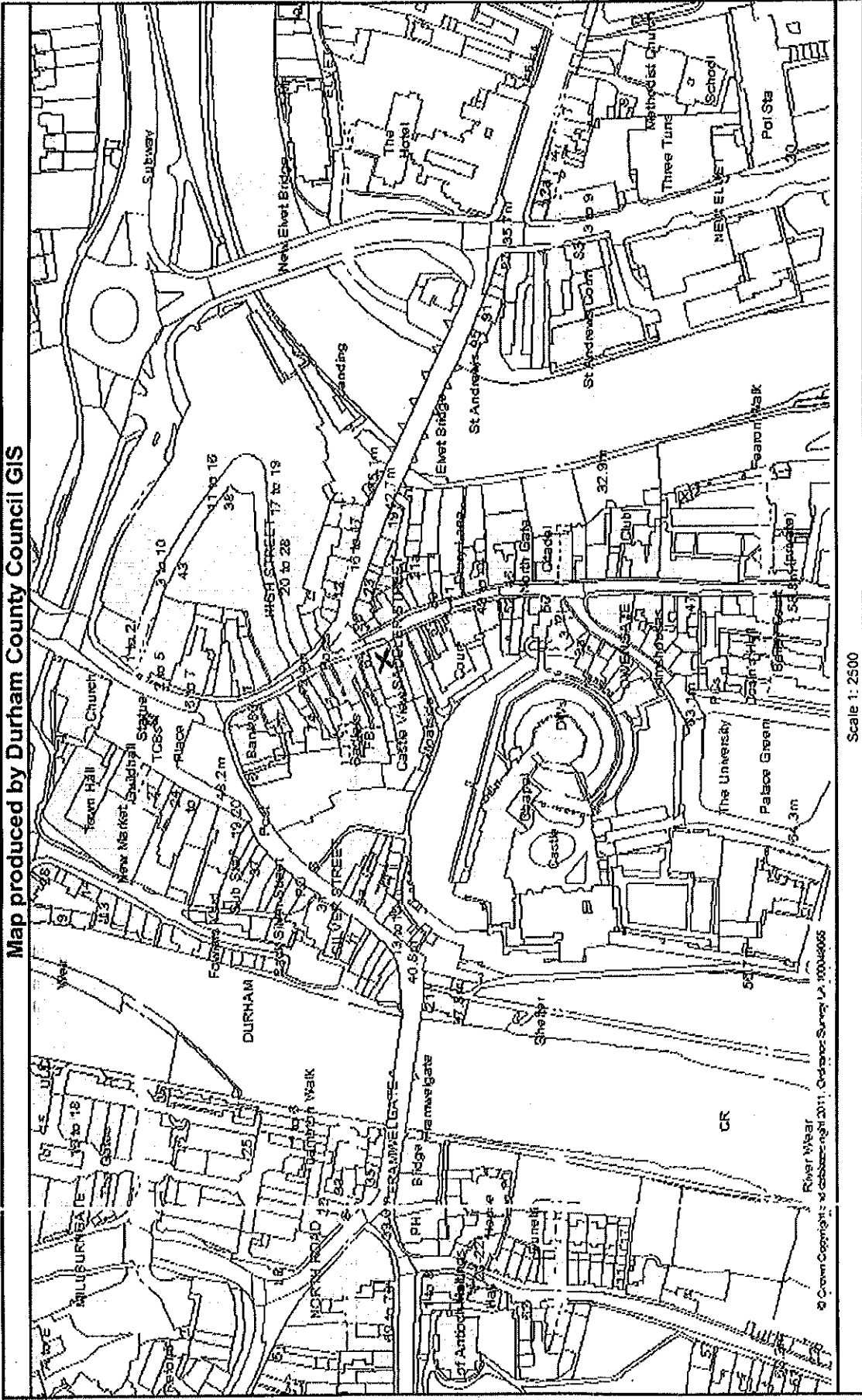
The Sub-Committee is asked to determine the application in the light of the above having regard to the application and the representations received.

Background Papers:

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003

Contact: Karen Monaghan Tel: 03000 265104
Email: karen.monaghan@durham.gov.uk

APPENDIX 1 – LOCATION PLAN



X - La Spay, ettata, 66 Saddle Street

APPENDIX 2 – PREMISES LICENCE

LICENSING ACT 2003 PREMISES LICENCE

Premises Licence number
 Granted
 Issued

LAPRE/10/0978
04/01/2011
04/03/2011

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
La Spaghattata 66 Saddler Street	DURHAM COUNTY COUNCIL Unit 1 Damson Way Dragonville Industrial Estate Durham DH1 2YN
Post town: Durham	Postcode: DH1 3NP
Telephone number: 0191 3839290	

Where the licence is time limited the dates

Licensable activities authorised by this licence
 Live music
 Recorded music
 Dancing
 Late night refreshment
 Sale of alcohol

The opening hours of the premises (all times in 24hr format)

Monday	10:30 - 02:00	Non standard/seasonal timings:
Tuesday	10:30 - 02:00	
Wednesday	10:30 - 02:00	None
Thursday	10:30 - 02:00	
Friday	10:30 - 02:00	
Saturday	10:30 - 02:00	
Sunday	10:30 - 02:00	

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol is supplied for consumption on the Premises

The times the licence authorises the carrying out of licensable activities (all in 24hr format)

Sale of Alcohol

Monday	10:30 – 02:00	Further details:
Tuesday	10:30 – 02:00	
Wednesday	10:30 – 02:00	None
Thursday	10:30 – 02:00	
Friday	10:30 – 02:00	
Saturday	10:30 – 02:00	
Sunday	10:30 – 02:00	

Live Music

Indoors only

Monday	10:30 – 00:00	Further details:
Tuesday	10:30 – 00:00	
Wednesday	10:30 – 00:00	None
Thursday	10:30 – 00:00	
Friday	10:30 – 01:30	
Saturday	10:30 – 01:30	
Sunday	10:30 – 00:00	

Recorded Music

Monday	10:30 – 00:00	Further details:
Tuesday	10:30 – 00:00	
Wednesday	10:30 – 00:00	None
Thursday	10:30 – 00:00	
Friday	10:30 – 01:30	
Saturday	10:30 – 01:30	
Sunday	10:30 – 00:00	

Dancing

Indoors only

Monday	10:30 – 00:00	Further details:
Tuesday	10:30 – 00:00	
Wednesday	10:30 – 00:00	None
Thursday	10:30 – 00:00	
Friday	10:30 – 01:30	
Saturday	10:30 – 01:30	
Sunday	10:30 – 00:00	

Late Night Refreshment

Indoors only

Monday	23:00 – 02:00	Further details:
Tuesday	23:00 – 02:00	
Wednesday	23:00 – 02:00	None
Thursday	23:00 – 02:00	
Friday	23:00 – 02:00	
Saturday	23:00 – 02:00	
Sunday	23:00 – 02:00	

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Fabio Ciampolillo
[REDACTED]
[REDACTED]
[REDACTED]

Telephone Number : [REDACTED]

Registered number of holder, for example company number, charity number (where applicable)
None

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Fabio Ciampolillo
[REDACTED]
[REDACTED]
[REDACTED]

Telephone Number : [REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

DURHAM184 Durham City Council

Annex 1 – Mandatory conditions

Mandatory conditions where licence authorises supply of alcohol

(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

(2) The first condition is that no supply of alcohol may be made under the premises licence—

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory condition: door supervision

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed—

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to—

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section—

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Mandatory Conditions from April and October 2010

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

The applicant does not consider by extending the opening hours by another hour that any of the licensing objectives will be compromised, the Applicant has had no trouble in the past at the premises and is not anticipating any rowdiness but would consider any proposal any party makes so as to achieve the licensing objectives.

Annex 3 – Conditions attached after a hearing by the licensing authority

Statutory Licensing Committee – 4th January 2011

A minimum of one door supervisor at times between midnight and 2am Fridays and Saturdays.

CCTV to be installed to police and home office guidelines.

Noise levels and frequency must be kept at such levels that they shall not be a nuisance to occupiers of nearby properties. Any complaints or representations received must be taken into account and acted upon where necessary to prevent public nuisance.

Noise regulator / limiter to be installed in all floors where there is playing of recorded / live music and to be set at a level by the Pollution Control Officer.

All doors and windows to be closed during performances of live / recorded music.

No emptying of refuse / glass bottle bins between the hours of 23:00 and 07:00.

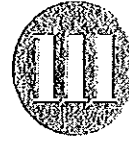
Annex 4 – Plans

Attached

APPENDIX 3 – APPLICATION

112 High Street West
Sunderland, SR1 1TX
T: 0191 514 4323
F: 0191 514 8100
DX60721 Sunderland
mortons@mortons-solicitors.com
www.mortons-solicitors.com

Your Ref: GM/CIAM0002 HK
Our Ref:
Email address: gmccourt@mortons-solicitors.com
Date: 28th June 2012



MORTONS
SOLICITORS

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

Dear Sirs

Mr F Ciampolillo
Licensing Application La Spaghetata
66 Sadler Street, Durham DH1 3NP

We refer to our Mr McCourt's discussion with Natalie on 28th June.

We enclose herewith Application to Vary a Premises Licence. We also enclose herewith cheque in the sum of £190 in respect of your fee.

We understand from Natalie that the consultation period will begin on Monday and therefore the expiry of the 28 day period will be Monday, 30th July 2012. We should be grateful if you would please confirm.

As you will be aware, our client made an application to vary the Premises in July of last year, however, the application was subsequently withdrawn following consultation with interested parties. Since making the last application, our client has undertaken a number of improvements and additions which will hopefully alleviate the concerns raised during the last application. Double glazing has now been fitted, together with soundproofing to the walls and roof and a ventilation system. The ventilation system is perhaps the most significant improvement as it now means that windows do not need to be opened. The double glazing and soundproofing has eradicated the possibility of noise pollution to the neighbouring properties.

If we can provide any further information which will assist you please do not hesitate to contact us. The Premises Licence will forward under separate cover.

We look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to be 'F. Ciampolillo', written over the typed name 'Yours faithfully'.

Also at
41 Church Street, Seaham, County Durham, SR7 7EJ. T: 0191 511 8222 DX 61734 Seaham

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David J. Place LL B
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Fiona Aitken B.A.

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Application to vary a premises licence under the Licensing Act 2003

by 30/7

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 FABIO CIAMPOLILLO

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
LAPRE/10/0978

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
66 SADLER STREET

Post town	DURHAM	Post code	DH1 3NP
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Telephone number at premises (if any)

Non-domestic rateable value of premises £28000

Part 2 – Applicant details

Daytime contact telephone number	0191 5144323		
E-mail address (optional)	gmccourt@mortons-solicitors.com		
Current postal address if different from premises address	Mortons Solicitors 112 High Street West		
Post Town	SUNDERLAND	Postcode	SR1 1TX

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year		
↓	↓	↓	↓	↓	↓	↓

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
THE APPLICANT WISHES TO APPLY FOR A VARIATION OF THE PREMISES LICENCE TO
EXTEND LICENSABLE ACTIVITIES IN PARTICULAR:-

SUNDAY TO THURSDAY

- ~ LIVE MUSIC 10.30 - 02:00
- ~ RECORDED MUSIC 10.30 - 02.00
- ~ DANCING 10.30 - 02.00

FRIDAY AND SATURDAY

- ~ LIVE MUSIC 10.30 - 03:00
- ~ RECORDED MUSIC 10.30 - 03.00
- ~ DANCING 10.30 - 03.00

The Premises opening times will be extended

Sunday to Thursday

10.30 -02.30

Friday and Saturday

10.30-03.30

The additions to the operating schedule and licensable activities

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- | | |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input checked="" type="checkbox"/> |

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
Both	<input type="checkbox"/>							
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur								
Fri								
Sat						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 5)		
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>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</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	10.30	02.00			
Tue	10.30	02.00			
Wed	10.30	02.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	10.30	02.00			
Fri	10.30	03.00	<u>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</u> (please read guidance note 5)		
Sat	10.30	03.00			
Sun	10.30	02.00			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	10.30	02.00			
Tue	10.30	02.00			
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed	10.30	02.00			
Thur	10.30	02.00			
			<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 5)		
Fri	10.30	03.00			
Sat	10.30	03.00			
Sun	10.30	02.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	10.30	02.00			
Tue	10.30	02.00			
Wed	10.30	02.00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	10.30	02.00			
Fri	10.30	03.00	<u>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</u> (please read guidance note 5)		
Sat	10.30	03.00			
Sun	10.30	02.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10.30	02.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10.30	02.00	<u>Please give further details here</u> (please read guidance note 3)		
Wed	10.30	02.00			
Thur	10.30	02.00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri	10.30	03.00			
Sat	10.30	03.00	<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 5)		
Sun	10.30	02.00			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed				
Thur			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>	
Mon	10.30	02.00	<u>Please give further details here</u> (please read guidance note 3)	
Tue	10.30	02.00		
Wed	10.30	02.00	<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)	
Thur	10.30	02.00		
Fri	10.30	03.00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat	10.30	03.00		
Sun	10.30	02.00		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10.30	02.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10.30	02.00	<u>Please give further details here</u> (please read guidance note 3)		
Wed	10.30	02.00			
Thur	10.30	02.00	<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri	10.30	03.00			
Sat	10.30	03.00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun	10.30	02.00			

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23.00	02.00			
Tue	23.00	02.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	23.00	02.00			
Thur	23.00	02.00	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 5)		
Fri	23.00	03.00			
Sat	23.00	03.00			
Sun	23.00	02.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10.30	02.00			
Tue	10.30	02.00			
Wed	10.30	02.00			
Thur	10.30	02.00			
Fri	10.30	03.00			
Sat	10.30	03.00			
Sun	10.30	02.00			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

N

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 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10.30	02.30	
Tue	10.30	02.30	
Wed	10.30	02.30	
Thur	10.30	02.30	
Fri	10.30	03.30	
Sat	10.30	03.30	
Sun	10.30	02.30	
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 5)			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

THE LICENCE'S OBJECTIVES WILL REMAIN UNCHANGED. PLEASE REFER TO EXISTING PREMISES LICENCE NUMBER LAPRE/10/0978

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm


Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	28 th June 2012
Capacity	SOLICITOR

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

**APPENDIX 4 – REPRESENTATION
PUBLIC HEALTH**

Carol Graham - Licensing Assistant (N'hoods)

From: John Dodds
Sent: 13 July 2012 11:50
To: Pollution Control
Cc: Carol Graham - Licensing Assistant (N'hoods)
Subject: RE: Licensing - premises variation application received - La Spaghettata, 66 Saddler Street, Durham

This variation is similar to one that was withdrawn by the applicant at the mediation stage around a year ago our representation would be the same this occasion complaints have been registered by residents of the houses and flats to the rear of the premises These relate to loud music during the night and early morning from the playing of both live and recorded music we would therefore not like to see any extension of their hours unless suitable precautions are implemented

This could mean the fitting of suitable noise monitoring equipment and strict management procedures

John Dodds

Environmental Protection Officer
Environment Health and Consumer Protection
Neighbourhood Services
Durham County Council
Annand House
John Street North
Meadowfield
DH7 8RS
TEL 03000 260984
Email john.dodds@durham.gov.uk

**APPENDIX 5 – REPRESENTATIONS
FROM OTHER PERSONS**

From: Cllr David Stoker
Sent: 27 July 2012 19:09
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: RE: Licensing - premises variation application received - La Spaghetтата, 66 Front Street, Durham

Dear Carol,

As one of the local members I wish to lodge an objection to this proposal.

I am very surprised to see this application as it is effectively a resubmission from last August which was withdrawn. I note that once again it is submitted when the students are on vacation, and most neighbours may not have the opportunity to object.

The issues, therefore, are as of last submission: close proximity to housing; a previous inability to comply with restrictions; and a further addition to the bustle and noise levels in the city centre which are already compromising quality of life.

Yours sincerely,

David Stoker

From: Cllr David Stoker
Sent: 31 July 2012 13:44
To: Karen Monaghan
Subject: Re: La Spaghattata Durham

Dear Karen

I wish to make a formal objection, in my role as local member, to the licensing application from the owner of La Spaghattata.

I am surprised to see this reapplication at this time of year. At mediation last August concerns were expressed about the timing being opportunistic - most of the neighbours being university students down for the summer vacation. It is disappointing that the reapplication is similarly timed. It is hard to escape the conclusion that this is deliberately timed once more. I do not believe that objections can be properly heard without a postponement.

If the application is heard then I would object on the following grounds:

1. Prevention of public nuisance. The application would extend the period of disturbance in a part of the city centre that does not have late night noise.
2. The nuisance would include: noise from the music being played (recorded and live); from customers entering and exiting during unsocial hours; from staff noise in putting rubbish away and banging doors (15 yards from flats); and from rubbish in the alleyway.
3. Breakdown of trust. No progress has been made since last year: I was let down when promises to change windows were broken; repeated breaches of noise levels only dealt with after the breach (ie too late); and the deliberate timing when neighbours away (again!).
4. The further addition to late night noise in the City, which is already attracting much criticism from local residents.
5. A further increase in demand for taxis which are currently overwhelming the surrounding residential areas.

Yours sincerely

Councillor David Stoker

Yvonne Raine

From: Cllr David Freeman
Sent: 16 July 2012 21:15
To: Yvonne Raine
Subject: FW: Licensing - premises variation application received - La Spaghetata, 66 Front Street, Durham

Dear Yvonne

I would like to object to this application as the local ward councillor.

I wish to object on the ground of public nuisance.

There are two residential properties, 1 and 2 Cathedral View at the rear of the applicants premises and a further 5 flats which back on to the courtyard at the rear of the applicants premises. By coincidence as these are all student properties they will be presently unoccupied and hence they are unlikely to object to this application. They have done so in the past when alterations to the premises application was made , in term time.

Any extension of hours for opening and entertainment will have a significant adverse effect with playing of music on these very near residential properties and hence will cause the public nuisance for these occupiers.

Yours sincerely

Cllr David Freeman
Elvet Ward

From: Cllr David Freeman
Sent: 05 August 2012 18:24
To: Karen Monaghan
Subject: RE: Notice of Hearing - La Spaghattata, 66 Front Street,
Durham

Hello Karen

I will not be attending the hearing and in view of the applicants further submission about double glazing and not opening windows believe this may eliminate noise. To ensure this happens i would want Enforcement monitor the situation if permission is granted? I believe the Committee could decide this by reading the file, submissions and officers report.

Thanks

Cllr David Freeman

**APPENDIX 6 – APPLICANT
ADDITIONAL INFORMATION**

LICENSING ACT 2003

Application for the variation of a premises licence.

La Spaghetтата, 66 Saddler Street, Durham DH1 3MP

Submission on behalf the Applicant

The Applicant is the Proprietor of a Licensed Premises known as, "La Spaghetтата", 66 Saddler Street, Durham DH1 3NP. The premise comprises a first floor restaurant known as "La Spaghetтата" and a third floor bar known as "Fabio's Bar". Fabio's Bar was opened in 2005 and is a popular destination for a wide cross section of the community.

The venue attracts not only students but also patrons from the local community and the wider Durham areas. The premises offers its patrons a greater choice and flexibility through the licensable activities offered by "La Spaghetтата" and "Fabio's bar".

The premises currently operates under Licence No. LAPRE/10/0978. The Committee will note that the current Licensable Activities are authorised until 02:00 in respect of the provision alcohol and late night refreshment. The current application is to extend the licensable hours in accordance with the application submitted to the Licensing Department.

An application to vary the current Premises Licence was made in July of 2011 to extend the licensable hours. The application was subsequently withdrawn by the Applicant, on his own volition, following discussions and mediation with the Licensing Department, Environmental Health and Interested Parties. Since the last application the Applicant has made a number of significant improvements to the premises based upon the discussions at the time of the 2011 application. In particular, concerns were raised about the potential noise pollution from the premises. The premises has the benefit of wooden sash windows. Prior to the previous application the windows did not have the benefit of secondary glazing. The Applicant has now installed internal secondary glazing. A new ventilation system has also been installed to negate the need for any of the windows to be opened whilst the premises is in open.

The alterations and additions to the premises support Durham County Council's Licensing policy. In particular paragraph 7.5 which states:

"Applicants should give consideration to reducing potential noise nuisance by, for example:

- *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, openable windows, double doors / lobbies to entrances).*
- *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."*

The Committee will note that no representations have been received from the local residents. The Committee will also note that no complaints have been received in the last 12 months in respect of the premises. As the Committee will be aware, in determination of an application they may only consider "relevant representations" as defined by s.18 (6) of the Licencing Act 2003. The representations received in respect of the current application have been made by Council's Environmental Health Department and two Councillors.

The Committee will note that the representation received from Mr J Dodd's of Environmental Health dated 13th July 2012 states that "complaints have been registered by residents of the flats to the rear of the premises". The Applicant has not been made aware of any such complaints in the past 12 months.

The representation submitted by Cllr Freeman is made on behalf the residents of the properties which are situated to the rear of the premises. It should be noted that no complaints have been made by the residents in the last 12 months.

The Applicant would draw the Committee's attention to point 2 of Cllr Stoker's email of 31st July 2012, in which he states that the premises could create a nuisance due to noise pollution. The Applicant would again reiterate that no complaints have been received from local residents in the past 12 months. Furthermore, the premises operated throughout April and May 2012, a period in which university exams are taken. No complaints were received.

The Committee will note that photographs are attached to this submission showing the windows and the secondary glazing. Also included is a plan of the premises indicating the approximate location of the neighbouring buildings. The building shaded green which is the closest residential premises has never taken issue to or made representation or complaints to the authorities regarding the premises.

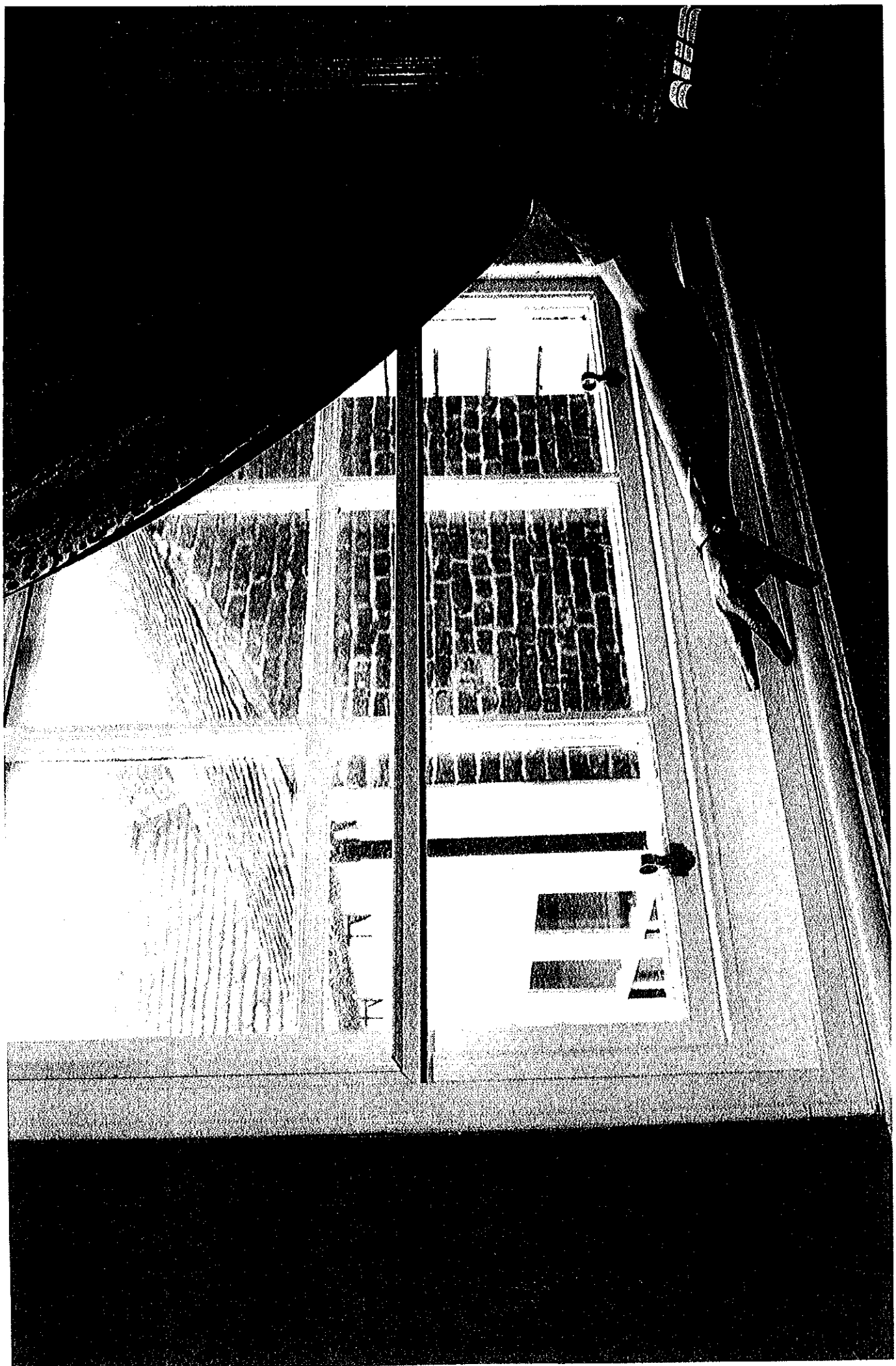
Mortons Solicitors

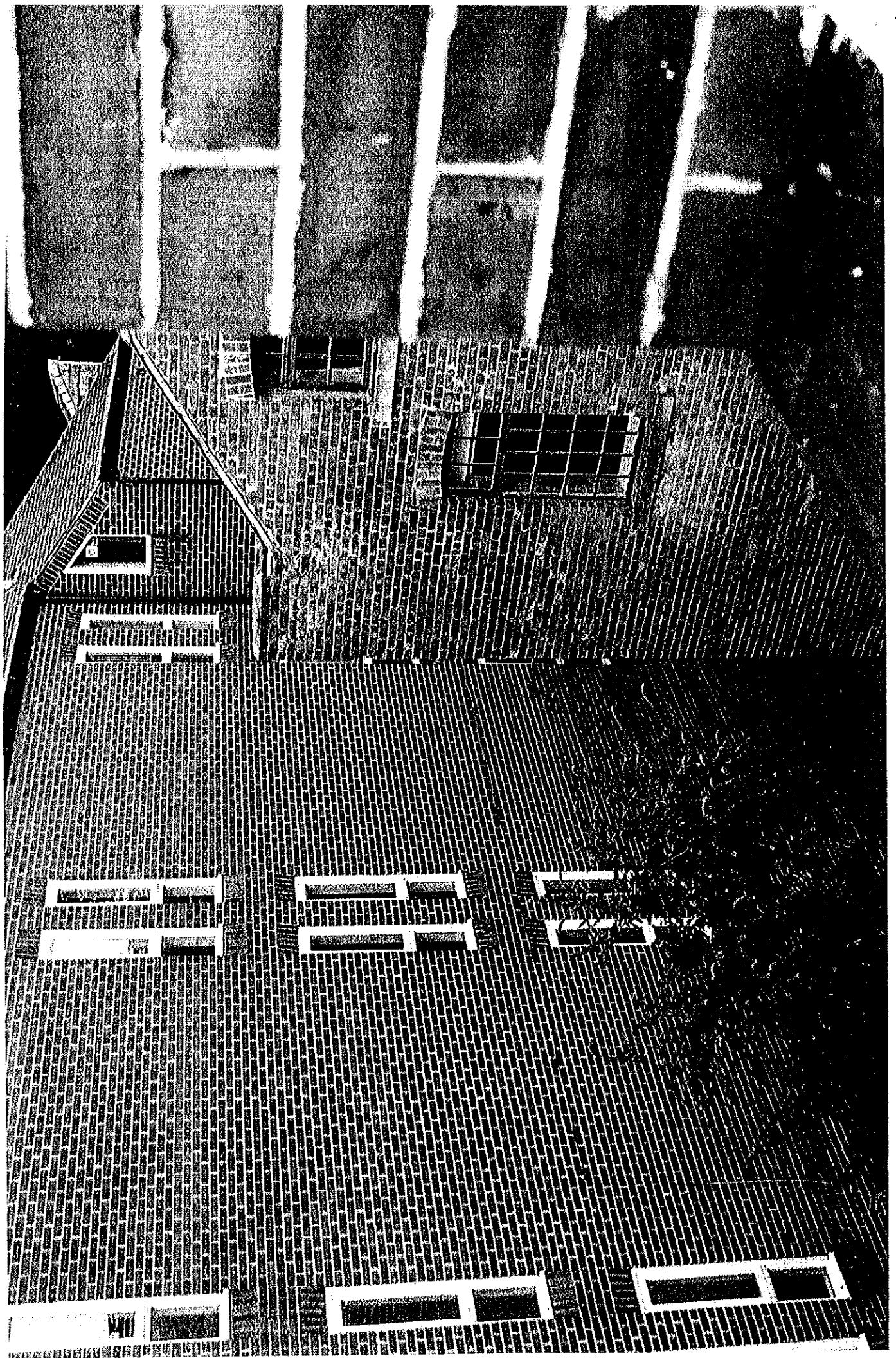
Solicitors for the Applicant

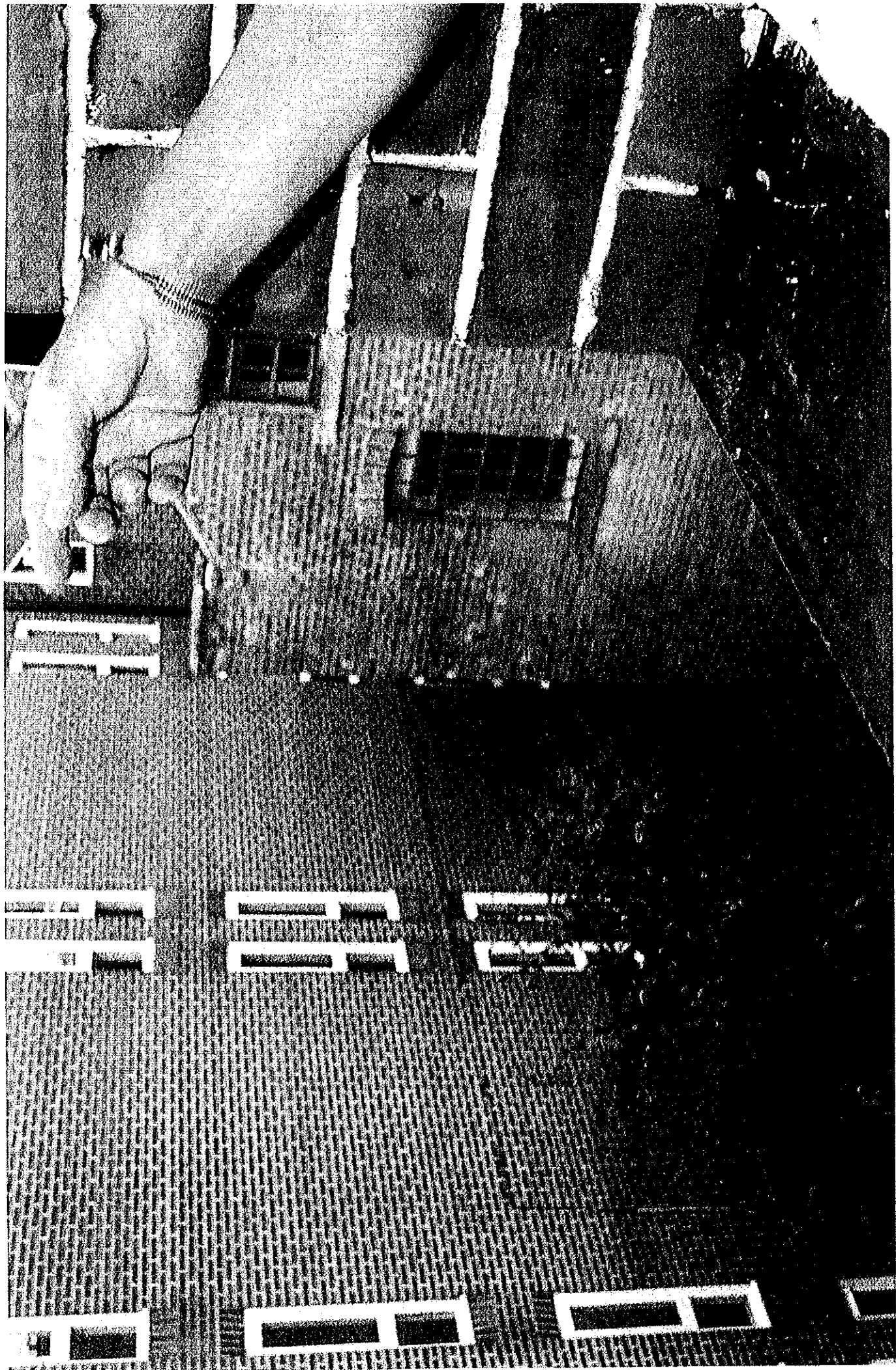
8th August 2012

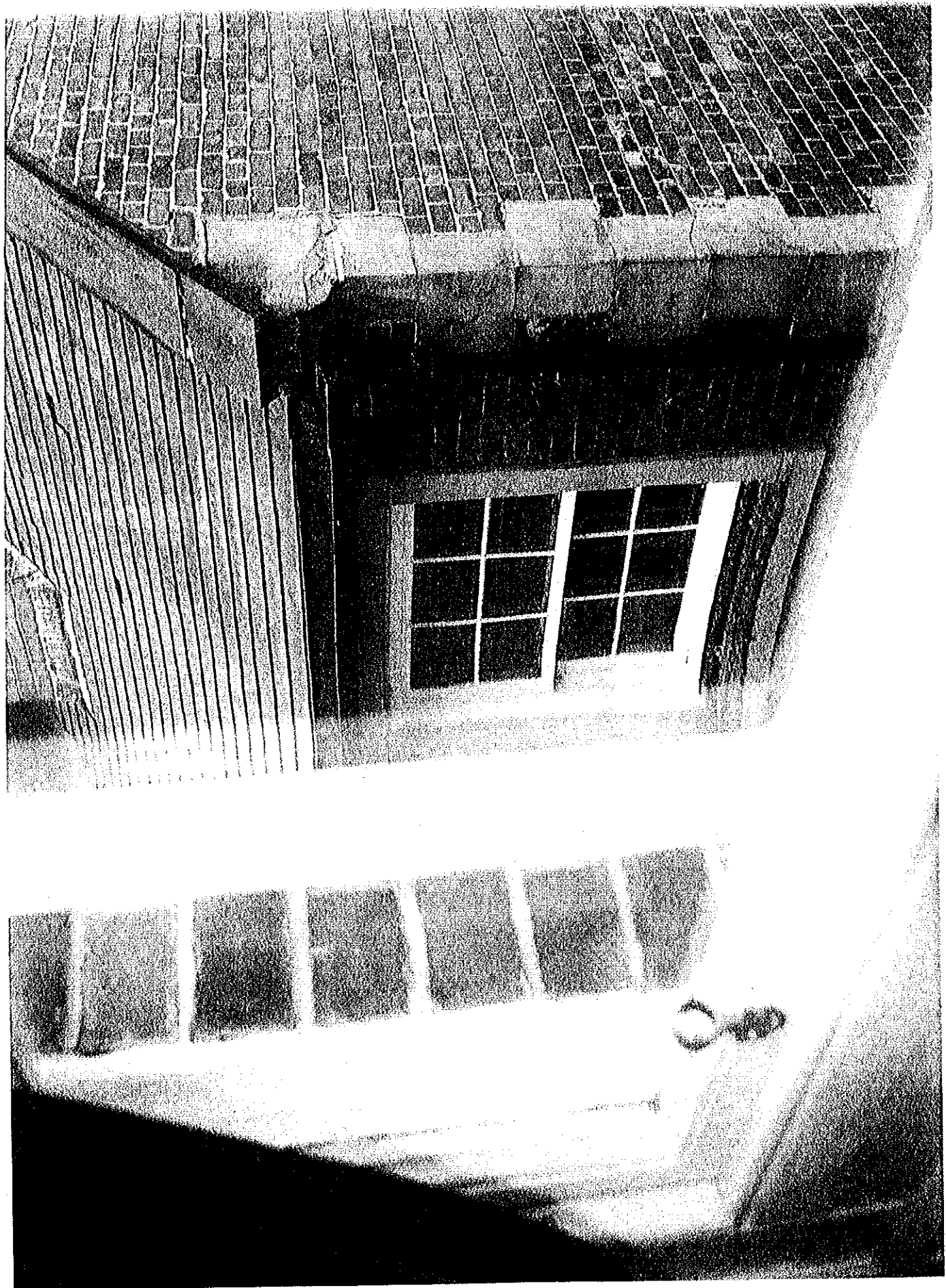














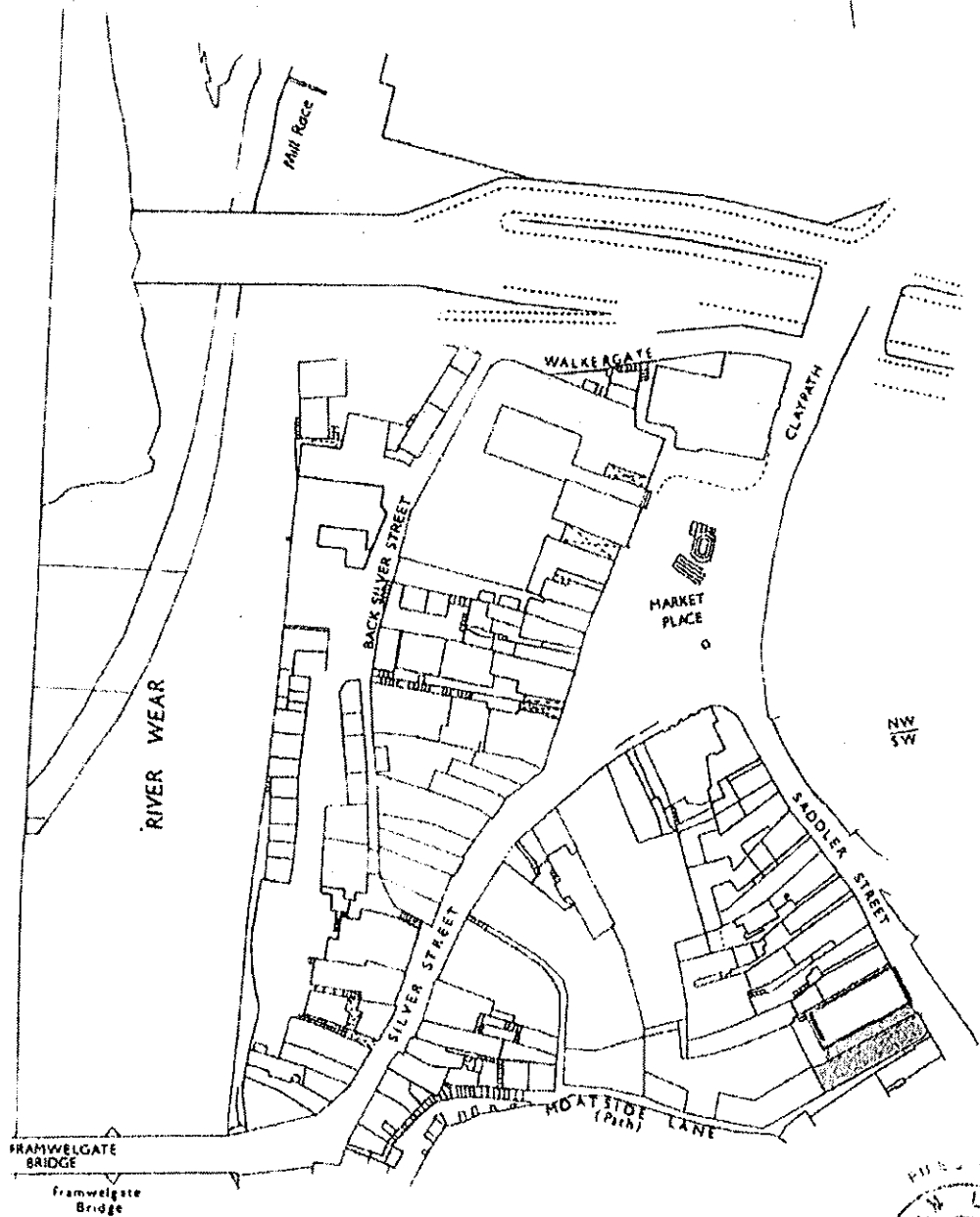
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DURHAM

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DURHAM DISTRICT



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TO WHOM IT MAY CONCERN

I confirm that I own the Freehold of 67 Saddler Street, Durham DH1 3NP, and the Freehold of Nos. 1 and 2 Castle View, Saddlers Lane, Durham DH1 3NY. Both of these properties are adjacent to La Spaghetтата Restaurant owned by Mr Fabio Ciampolillo.

My property, 67 Saddler Street, is leased to the partners of Ribchesters, Chartered Accountants, and 1 and 2 Castle View are leased as residential living accommodation.

I confirm that neither the partners/staff of my Accountancy Practice or the tenants of my property in Castle View have at any time made any complaint about any noise from La Spaghetтата. To the best of my knowledge and belief, neither my tenants or the partners of my Accountancy Practice have ever been caused any inconvenience or stress by any activities of Mr Ciampolillo's business.

I would be pleased to supply any further information required.

A Ribchester MBE FCA
Chartered Accountant

**APPENDIX 7 - STATEMENT OF
LICENSING POLICY**

APPENDIX 7

7.0 Prevention of Public Nuisance

7.1 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.

7.2 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 and characteristics of the premises and events.

7.3 If an external structure or area is to be used by customers, whether for consumption of alcohol or 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.

7.4 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 be required. Enquiries for consents should be directed to the Council's Licensing Team. In predominantly commercial areas such as shopping centres the Licensing Authority will normally allow the use of tables and chairs outside but will expect them to be removed before the premises close, and any resulting litter/debris cleared away.

7.5 Applicants should give consideration to reducing potential noise nuisance by, for example:

- 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, openable windows, double doors / lobbies to entrances).
- 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.

7.6 The extent to which the above matters will need to be addressed will be dependant 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.

7.7 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.

