

Agenda Item No. 4 – Additional Information from the Applicant

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From: R
Sent: 23 September 2021 22:26
To: AHS Licensing
Subject: Re: Artisan Corner Barnard Castle

Good Morning

In regard to the premises licence application hearing, Monday 4th October 2021 at 1.30pm.

Artisan Corner, 8-10 The Bank, Barnard Castle, DL12 8PQ

Please find attached documents :

- 1) Notice of Attendance
- 2) Supporting document

If you require anything further please contact me.

yours

Simon Adamson

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R Dunbar & Simon Adamson
Artisan Corner, 8 The Bank, Barnard Castle, County Durham, DL128PQ
email [_____](#) | [Tel: _____](#)
Artisan Corner is the trading name of National Espresso Ltd, Company
Registered No.10793411

The positioning of the premises in question.

Barnard Castle is a vibrant market town. It is a community. It prides itself in having a large independent retail footprint. It has many licenced premises and restaurants.

There are three main thoroughfares into and out of Barnard Castle. They are Newgate, Galgate, and The Bank. The premises whose application is before you is located at No8 and No10 The Bank, and situated adjacent to the town monument known as the 'Buttermarket'.

Please see the attachments, map showing photo locations, photos of location detailing makeup of surroundings, other retail premises, licenced premises.

A brief history of the business –

We took over No8 The Bank, operating then as a licenced café, in October of 2018. We improved the services/offerings and operated the new business as The Artisan Corner Bistro from then up to late March 2020 when we along with other businesses had to cease trading due to the current pandemic.

Late July 2020 we re-opened as permitted supplying as a retail shop outlet with associated take-away foods as allowed under the then regulations.

In June 2021 we were made aware that the proprietor at No10 The Bank, a retail outlet operating 7 days per week, approx. 10am to 5pm daily, was foregoing the renewal of their lease and that the outlet was available as a continuing retail unit for new lease. We were approached by the (recently deceased) owner and agreement was reached to enter into a licence. The extent of the licence was the ground floor property No10 The Bank, with shared access to the communal courtyard, afforded all tenants.

We took occupation as of 01 09 2021 and refitted the premises as per permissions from the landlord.

The premises operates at this time as a retail shop, selling a range of foodstuffs - sauces, oils, dried goods, artisan meats and cheeses. To compliment these foods, we applied to extend our existing licence at No8 The Bank, to include onsite and offsite sale of alcohol from the premises No10 The Bank. That is the application that is before you today.

We operated the licenced business at No8 The Bank, very successfully without issue, for 2 years without any instance of misbehaviour or reported incidents. (In fact, one of the complainants actually were an occasional visitor to our establishment). Our business operated 5 days a week, two of which we had late opening to approximately 10/10.30pm. each day we operated as a licenced premises selling alcohol with consumption of food as per the licence in place.

Our new business operates at this time 6 days per week, approximately 10am to 5pm, closed Sundays, although this may change to 7 days opening in the future.

We have no intention to commit ourselves to re-open in the evenings for meals, except for special occasion private bookings. However, we do reserve the right to operate the business to any permitted hours.

Our application is to allow the sale of wines and beers and alcohol to complement our food sales from both No8 and No10 The Bank, and compliment our meal offerings in those establishments, produced onsite.

In regard to the particular representations before you.

Exhibit 1 T Scott

- 1) The area known as the courtyard is a communal area associated with all tenants. We were afforded the use of the area with the proviso that access had to be allowed for all tenants. There is a staircase leading from the courtyard to the housing above, this was to be gated by the landlord to restrict our entry to the property's above, but still allowing them easy access to any involvement they may have to the courtyard and its associated storage areas. Its suitability or otherwise for public use has no argument as any works needed to be done to make it suitable would be to its general betterment, improving the outlook, at no cost to any of the adjoining tenants, borne by the landlord and ourselves. The risk of having to use that area as a means of escape from fire are not, have not, and will not increase by our licencing application.
- 2) Any issues regarding disturbances in the public thoroughfare at any time of the day, especially in the early hours, have little bearing on the application. The inference that our business has any influence on the drink or drug misuse within the town and particularly within the Buttermarket area is fiercely contested on our part. To have inferred that we condone, allow, or are associated in any way with that criminality is totally misplaced, and damaging to our reputation.
- 3) The licence cannot be determined by how near or far the licensee, or the landlord live from the property. Both proprietors of The Bengal Merchant Restaurant and The Old Well Hotel, both licenced premises, live off-premises.
- 4) The property, like so many within the market town of Barnard Castle and so many others, does have a large shop frontage to display our goods. However, the shop has existed for some nine years with a display of luxury goods with no security or heightened theft issues. The frontage of the shop nor the goods on display, primarily foodstuff, are a bar to the application in hand.
- 5) A music licence has not been appended to the application in hand.
- 6) I do note that smoking within the communal courtyard area would be uncomfortable in the normal instance for all shared tenants, however in these particular circumstances the courtyard is explicitly unsuited to that practice. From a business perspective, I believe that although the courtyard has no roof it is fully 100% enclosed and as such under the Health Act 2006 provisions it is an area that is not permitted to be used for that purpose. We obviously do not allow smoking within our premises as per the law but cannot restrict persons smoking on the public footpaths associated, adjacent to and outside the premises.
- 7) It should be noted that the street known as 'The Bank' is one of the main access roads to and from Barnard Castle. Immediately outside the premises No8 and No10 The Bank there are existing restrictions to parking/stopping on the public highway. We have asked for no relief from those, and as such they have no bearing on the application in hand.
- 8) When we were made aware of the concerns by the party in this representation, we offered through the landlord and their son the opportunity to discuss our actual application however the tenant refused any discussions.

Exhibit 2 - Mauder-Brown

We had a discussion with the objector to the application regarding our use of the premises, our intention to sell alcohol onsite and for offsite, our proposed hours of opening, and what the application included (and did not include).

- 1) The photo showing the frontage of the building, namely The Clock Flat with the Bay window approximately above the entrance to No10 The Bank retail shop unit, and the windows to the upper floor which are bedroom windows. The entrance to the retail area has not been altered in any way by us nor will it be used in any other manner than that in which it has been used by the previous retail tenant (some 9 years I believe) as an entrance to the existing retail unit.
- 2) As noted in the map by the objector, the area is a shared courtyard, for all tenants of the properties (their notation). The courtyard is not and cannot be used in any way as an entrance to or exit from the premises by the customers, it is an enclosed courtyard. All entrances and exits to and from the property are on the street known as The Bank, to the front of the property.
- 3) The retail area has always been below the living room area of the clock flat and was so when they took residency at the property.
- 4) It is noted that there may be a concern regarding noise levels to the front of the property, however with the property being on a main thoroughfare into and out of Barnard Castle, with many existing businesses operating varying licenced hours, additional noise from our operation and at the hours we have indicated, is unlikely. As we explained to the objector, we are not operating at the times that they are concerned about. Additionally, in the two years prior to 2020 there were no noise complaints regarding the business operations at The Artisan Corner. I'm unaware of any complaints made against The Old Well Hotel, or The Bengal Merchant Restaurant, both licenced properties, located directly opposite No10 The Bank, both open late evenings, one with live music.
- 5) We have not added any additional outside lighting to the front of the property. Any lighting pollution may/should be addressed to the local authority whose streetlamp is situated some 10 feet from their living room/bedroom window.
- 6) As per previous we indicated we are not operating in the late evening.
- 7) The application has a standard inclusion of 'smoking bins' over which we have no control. It should be noted that the provision of smoking bins actually diminishes the likelihood of fire, and diminishes littering and discarded flames, and as such this point has no bearing on the application in hand.
- 8) See (4)
- 9) It should be noted that the street known as 'The Bank' is one of the main access roads to and from Barnard Castle. Immediately outside the premises No8 and No10 The Bank there are existing restrictions to parking/stopping on the public highway. We have asked for no relief from those, and as such they have no bearing on the application in hand.
- 10) The application does not provide for automatic inclusion of any provision let alone 'loud music'. It should be noted that we do not intend to provide live music in the premises. This point has no bearing on the application in hand.
- 11) There is no veracity to there being a perceived increased risk of fire in regard to our application. See (7). It would be wrong to infer 'habitual smoking' taking place and

interfering with the objectors' either on the public thoroughfare or specifically within the shared courtyard area.

- 12) The condition of a stairway adjoining their property has no bearing on the application in hand.
- 13) We have an existing contract with Durham County Council Business Refuse Collection Services and have operated correctly for some 3 years and will continue to do so. We have not had any infestation within or associated with our premises and take all steps to mitigate any infestation and commit to immediately deal with any issues in the future. In addition, our premises at No8 The Bank, The Artisan Corner, have been inspected by the E.H.O. and we are proud to have achieved a 5 Star Hygiene Rating for the premises,
- 14) I feel that I must state a very strong objection to this very serious assertion by the respondent. To infer as per the objection that our licence application, our existing business named The Artisan Corner, and any that we may wish to operate has/will in any way encouraged or assists any criminality, or act 'as any further encouragement of drug usage' is greatly objected to on our part. To claim that our business creates 'a great target audience for those that sell drugs' is a real misrepresentation of ourselves and our business. This claim is unfounded. This claim is fiercely refuted. The inclusion of this assertion in the objection to the application has no foundation. Additionally, if any part of this assertion by the respondent had any validity or substance, I would have confidently expected there to have been both an investigation by the Police Service, and an objection lodged by them (the Police Service) to our application. The lack of any objection by them, or investigation by them obviously indicates this to be a spurious inclusion by the respondent. This objection has no bearing on the application in hand.
- 15) The objector has no indication of any cash held on premises, or stock levels, or our security and safekeeping of such. Nor do they have any indication that any part of that has an increased risk to them. The application is not determined by such. We have operated without theft of stock or cash from our existing business for nearly three years. If there were any theft or burglary from the premises it would not put their flat at risk as there is no access to their property through the business premises. We currently have CCTV installed at No8 The Bank, recording 24/7, and on the recommendation of the Community Support Officer will extend this CCTV monitoring to cover No10 The Bank. This objection has no bearing on the application in hand.
- 16) The objectors live within and choose to live within a vibrant retail area of Barnard Castle. Alarms from any number of other businesses in the local area, or any vehicle parked on the roadside, may be just as likely to cause disturbances. Our business alarm, as most current systems, will be the 'silent' type, alerting the emergency services and the keyholder directly. This objection has no bearing on the application in hand.
- 17) The licence cannot be determined by how near or far the licensee, or indeed the landlord as previously discussed, live from the property. There are two licenced premises on The Bank whose proprietors live off premises - The Old Well Hotel public house and restaurant, and The Bengal Merchant licenced restaurant. This objection has no bearing on the application in hand.







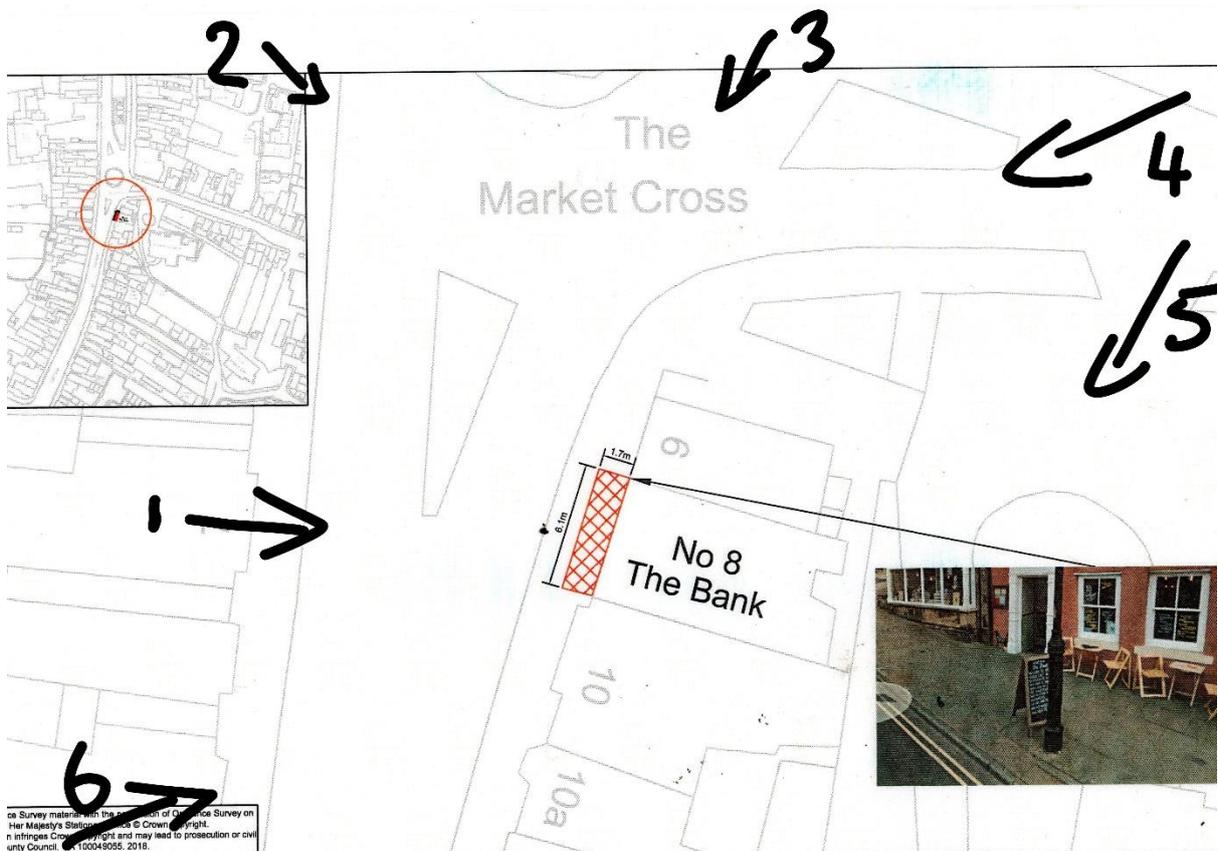


Exhibit 1 T Scott

From: T Scott

Sent: 12 September 2021 18:23

To: AHS Licensing <

Subject: Premises licencing

Good morning ,

I would like to make representation under the licencing act 2003 in regards of the premises licence applied for " The Artisan corner shop " 8-10 the BANK BARNARD CASTLE .

Firstly I would like to say that I cannot deny the Artisan corner has added a different diamention to the area known as the BANK , Primarily 19c buildings on a steep hill ,mostly residential and retail outlets .They seem to have a good following and are well known for there food .

My husband and I are from a hospitality - retail background ourselves so we can appreciate the excitement of extending there premises and getting back to normality after the last two years .

Our flat ' as the plan shows is of an unusual format surrounding on three sides an internal courtyard 17ft x20ft .A grade II listed building with retail outlet Whites antiques ,a d now the Artisan food shop as bistro ,an area formerly retail shop "Oswells " .

The only windows we have that open are single glazed in the kitchen for fresh air ,with several overlooking courtyard area .

Due to my I'll health and my husband's terminal brain tumour we have our bedroom within the area shown for the noise on the front ,and the toilet facities

More to follow under ref ART BC

From: T Scott <

Sent: 12 September 2021 18:34

To: AHS Licensing <

Subject: ART BC

POINT 1

I was informed via my landlady Mrs J w (now sadly deceased) and her son while they were clearing away planting in the courtyard ,that they were allowing the Artisan corner shop permission to use this area up until 4 o'clock .I objected as this area was not on the artisans licencing plan and schedual ,and was unsuitable for public use ,as would need alot of work to be safe .plus the fire escape next to the door leaving the back of the premises in the corner ,has a door

which is locked .so if there was a fire say in the kitchen of artisan and no escape to the front ,the side door out and into yard would be of no use ,as you cannot escape in either direction .I have included this incase we get any other applications to use this area in the future .see enclosed pics

From: T Scott

Sent: 12 September 2021 19:00

To: AHS Licensing

Subject: ART BC

POINT 2

On every Friday night there is a gathering up until the early hours of underage drinkers in the monument known as the Buttermarket see attached

They cause alot of disruption with drinking ,drugs and the area at the top near artisan corners door is a known dealers spot .I'm sure pc SING from Barnard castle police would be a useful contact in this respect .

POINT 3

We do feel as both the licencee who lives quiet away I believe and my landlord lives out of town ,

POINT 4

That single glazed front shop windows with enticing luxury items like alcohol and food a temptation for trouble that proves irrisitable !

Of course we do not in any way wish to stifle progress but feel there must be a better balance between..the businesses below and residential area above .

POINT 5

When the no 8 cafe turned into the corner bistro (same premises) now artisan we were informed very kindly about our opinion ,I did not object about the music ,but sadly this has not happened this time ? And I only found out whilst visiting my landlords shop and glanced at the window .he said he didn't know as he hadn't read it .

POINT 8

He had been given assurances they would close at 4 pm ,but unfortunately I advised him with the licence they have applied for this may not actually the reality .

POINT 6

If the internal door into the courtyard has to be opened for covid ..it may entire smokers or increase the noise levels even without music we feel will be invasive ,but with music even more so Other flats in this section have another level to escape the noise ,which we do not one resident already does so . Alternatives to explore ?

POINT 7

To maximise there sales potential ,and co inside with market days busy weekends and the Indian opposite where cars park to collect there takeaways for off sales .I suggest

* MON 10-5

*TUES 10-5

*WED MARKET DAY 9-9

*THURSDAY 10-9

*FRI 10-11

*SAT 10-11

*SUN 10-9

MY DOOR IS OPEN for question ...

These would be a suitable though not perfect solution for both parties ,as I don't feel putting a poster up on the premises on the way out ,though seen to be doing is going to prevent someone who's had a good time exiting with thought .

Yours P wheeler .

if you need to contact me

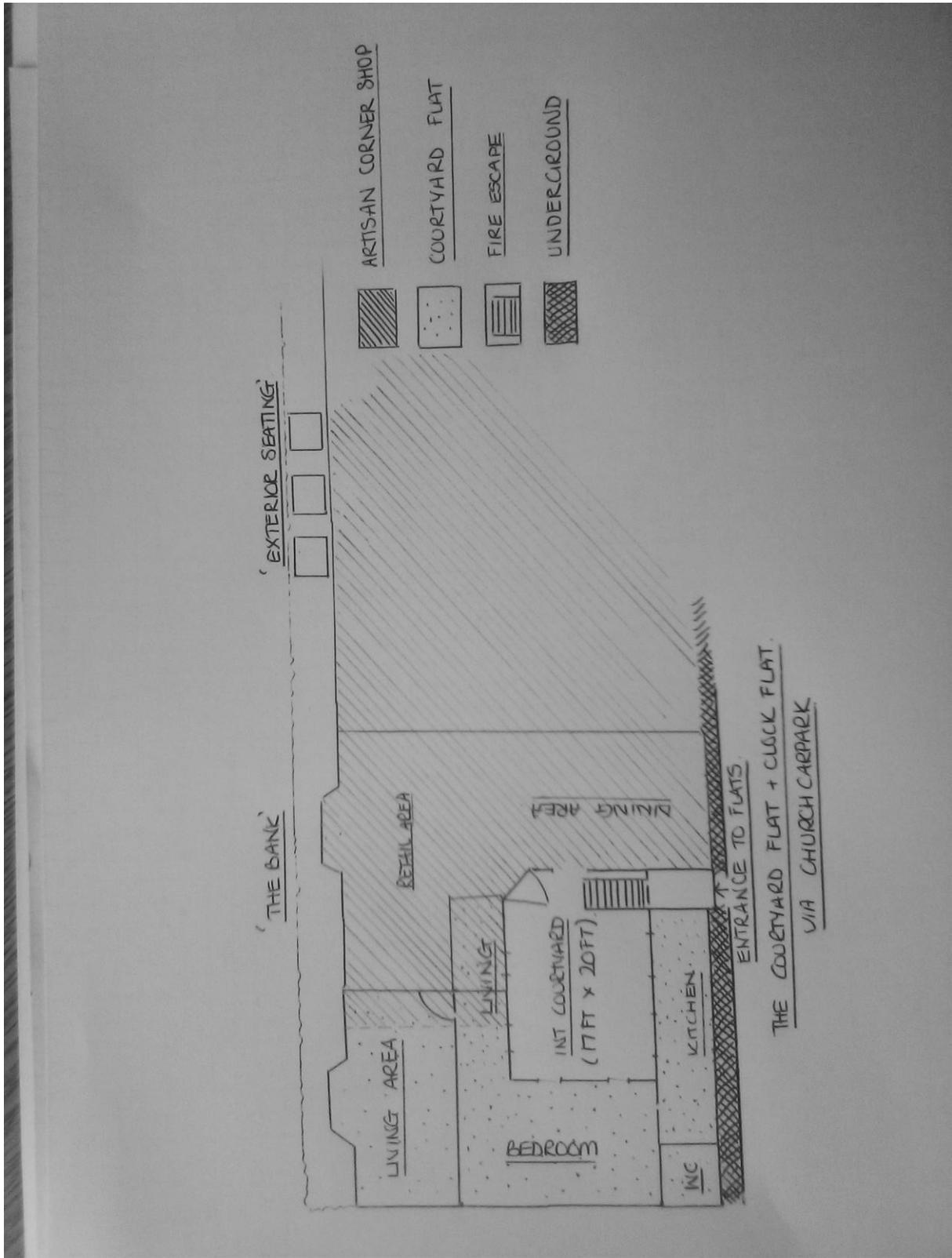


















Exhibit 2 Maunder-Brown

From: M Maunder-Brown

Sent: 15 September 2021 14:53

To: AHS Licensing

Subject: Fwd: Representation under Licensing Act 2003 in regards to Artisan Corner 8-10 The Bank, Barnard Castle

Importance: High

To Whom it may concern,

Please find attached a representation under the licencing act 2003 in regards to the Licence Applied for by Artisan Corner, 8-10 The Bank, Barnard Castle, Co.Durham.

Should you need any further information or have any queries please do not hesitate to contact me. Contact details are enclosed with the PDF. If you have any challenges opening the PDF please email me at

If possible could you please acknowledge receipt of this Representation.

Thank you

Kind Regards

M

To: Licencing@Durham.gov.uk

From:

Date: 15th September 2021

Subject: Representation under the Licencing Act 2003 in regards to the application of a licence for Artisan Corner, 8-10 The Bank, Barnard Castle, Co.Durham.

My Name: M Maunder-Brown

My Address: The Bank, Barnard Castle, Co.Durham, DL12 8PQ

Occupants:

Time at residence: 3 years

Contact Details: and

I would like to make a representation to altering the opening hours requested in the recent Licence Application for Artisan Corner 8-10 The Bank on the grounds of preventing public nuisance, public safety, prevention of crime and protection of children.

The licencing hours requested within the Licence Application are set out as 9.00am – 11.00pm for 7 days per week.

This said, I would like it noted that I am 100% in favour of supporting local business, appreciate the positive impact that the selling of luxury items has in the market place and encourage commerciality. As a veteran of the hospitality sector and over 20 years as a commercial director I am well versed in the operation of food and beverage outlets.

Please see location maps on next pages...

Location of Property in relation to the Licence Applicant (Artisan Corner).

The photo below illustrates that Artisan Corner (where the upward arrows are placed) occupies 8-10 The Bank.

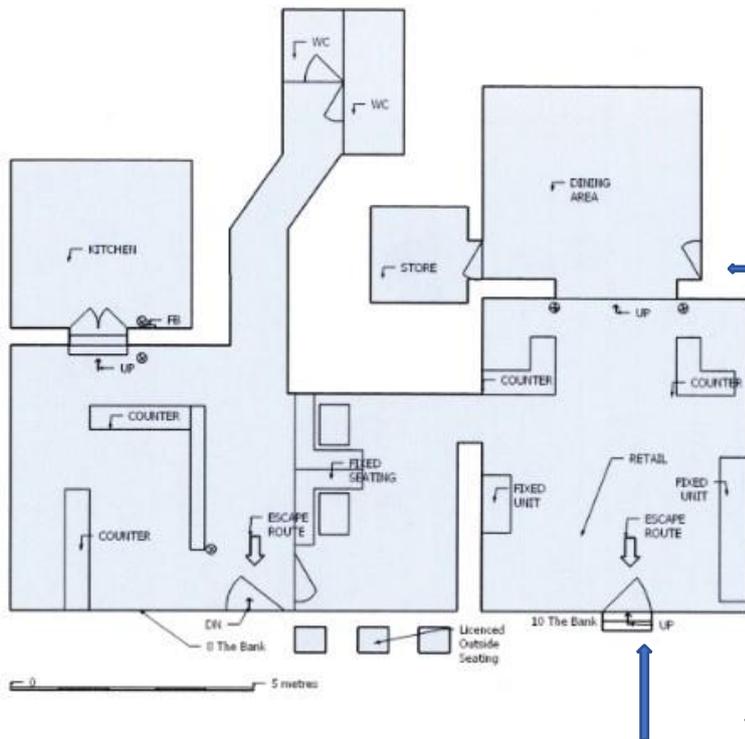
POINT 1, POINT 3

(The Bank) where we reside is directly above the entrance of Artisan Corner at10 The Bank. The bay window in the photograph below (where it says Clock Flat) is the ground floor of the Clock Flat and is the living area.. The windows above the Clock Flat Bay Window are the Bedrooms for the Clock Flat. The buildings are Grade II listed and because of this the windows are single glazed.



← The Clock Flat is on 2 floors with the small windows across the Courtyard Flat being my bedrooms

The below map depicts the layout of Artisan Corner 8-10 The Bank.



The Artisan Corner Dining Area at 10 The Bank is directly underneath the Kitchen area of The Clock Flat. The Bank backs onto a shared courtyard.

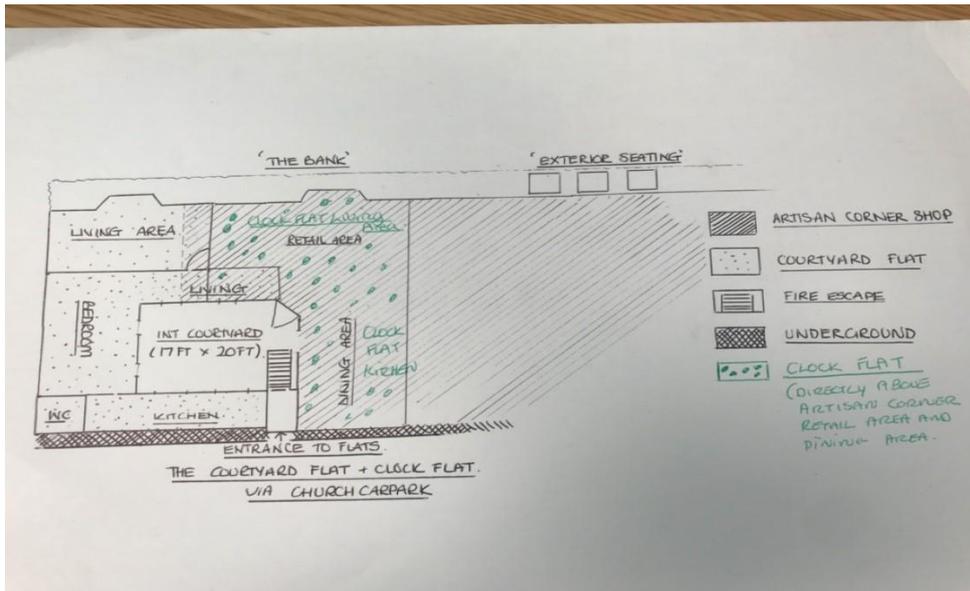
POINT 2
This is an entrance to a shared courtyard with The Courtyard Flat.

This retail area within Artisan Corner 10 The Bank is directly below my Living Room at The Clock Flat.

This entrance to the Artisan Corner is directly below my Living room window

The Map below crudely shows, again, that my living area (and bay window) is directly above the entrance door to the Artisan Shop at 10 The Bank and the Retail Area. Directly above the Dining Area for Artisan Shop is my Kitchen area. The Clock Flat is side by side with The Courtyard Flat and we both share an internal courtyard whereby there is a doorway into the Dining area of the Artisan Corner. There is also a shared Fire Escape.

POINT 3



The below depicts the internal courtyard.



Behind the foliage there is a green door which is the access to the Dining Area of the Artisan Corner at 10 The Bank.

The metal railing and adjoining steps is the ill kept fire escape and the access door is locked as the door is in the private access area for the Courtyard Flat and the Clock Flat

Prevention of Public Nuisance

POINT 4

As a grade II listed building the windows are single glazed and I have concerns that people entering and leaving the eating areas after 9pm at night will be noisy and that the noise will carry through the single glazing and be a nuisance.

POINT 5

The application states that the entrances will be well lit and this disturbance concerns me regarding light pollution through my bay window within my Living room.

POINT 6

There is no insulation between flooring of the Clock Flat and the Ceiling of Artisan Corner 10 The Bank. Rising noise levels into the later evening through the ceiling and flooring will be disturbing.

POINT 7

The application states that cigarette bins will be provided at the entrance/exit which increases the attraction of people to socially gather at the bins again negatively contributing to noise levels but also increasing fume pollution and risk of fire.

POINT 8

There is also the issue protection of children – as my son is years old and it is a worry that he will need to potentially listen to unsavoury language, kept awake at night as bedrooms are also above entrances to the Artisan Corner.

POINT 9

Traffic and Parking – In the event that people will park or are dropped off in order to access Artisan Corner this may give rise to further public nuisance for congestion outside of our living and bedroom areas.

POINT 10

I am led to believe that the granting of a licence may also provide automatic write for the applicants to have piped and live music. This would be disturbing in the later hours given the lack of noise insulation.

Public Safety:

POINT 11

I believe that there is an increased level of risk of fire when there is an increased volume of customers, later in the evening and potentially under the influence of alcohol. Living directly above Artisan Corner whereby there will be habitual smoking from customers standing at the front entrances but also a temptation to use the shared internal courtyard. The recently deceased landlady, J W had verbally agreed with the licence applicants that they have access to the internal courtyard.

POINT 12

The fire escape is in ill repair and whilst the door is locked at the top of the stairwell it also enters into the private entrances of The Clock Flat and The courtyard flat, deeming it as unuseable.

POINT 13

There is also the potential level of increased rubbish and potential attraction to vermin. The application states that in the interest of noise levels cleaning up and the disregarding of bottles will be conducted during the day. There is always an infestation of vermin during the winter season and I fear that leaving the cleaning up overnight to some point during the day may add to this issue. That said, I do not wish to be disturbed by noisy bottle clearing etc in the later evenings.

Prevention of Crime:

POINT 14

There is a widely recognised issue of drugs surrounding the Buttermarket, the St Marys Church car park and corner of Artisan corner of which the police are aware and I would not wish that there is any further encouragement of drug usage. Increased late night attendance of Artisan Corner is a great target audience for those that sell drugs.

POINT 15

I am also concerned that by having potential increased cash on the premises and alcohol on sale that this may lead to an increased risk of burglary and living above the retail premises selling bottles of alcohol would make me anxious.

POINT 16, POINT 17

Alarms going off late at night also provide a nuisance, disturbance, stress and anxiety for those that live above the Artisan Corner, needless to say, licence applicants do not live in close proximity and they will not be disturbed and alarms will sound until they arrive on site.

In the interests of commerciality and fairness I would like to request that opening hours are curtailed to no greater than 9pm on any evening with a possible exception of a special occasion that is communicated in advance.