



Statutory Licensing Sub-Committee

Date Tuesday 7 June 2022
Time 2.30 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

Items which are open to the Public and Press

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meetings held on 1, 4 and 28 April 2022 (Pages 3 - 22)
5. Application for the Grant of a Premises Licence - The Botanist, Unit 3, Upper Waterside, Milburngate, Durham (Pages 23 - 76)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
26 May 2022

To: **The Members of the Statutory Licensing Sub-Committee**

Councillors J Blakey, I McLean and E Peeke

Contact: Jill Errington **Tel:** 03000 269703

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 1A , County Hall, Durham on **Friday 1 April 2022 at 9.30 am**

Present:

Councillor J Blakey (Chair)

Members of the Committee:

Councillors D Brown, C Hunt and E Peeke

Also Present:

J Kemp (Council's Legal Representative)

H Johnson (Licensing Team Leader)

Sgt C Dickenson (Durham Constabulary)

J Gilliead (Emag Licensing Services Ltd – Applicants Agent)

J Carr (Applicant)

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Warden Lodge, Durham Road, Wheatley Hill

The Chair welcomed everyone to the meeting and introductions were made.

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change to determine the application for the grant of a Premises Licence for land at Warden Lodge, Durham Road, Wheatley Hill, Durham (for copy of report, see file of minutes).

A copy of the application and location plan had been circulated together with details of the representations received.

The Licensing Team Leader was in attendance to present the report and advised Members that the application was received from Emag Licensing Services Ltd on behalf of the applicant Mr Carr that had been subject to a 28-day consultation period that ended on 7 March 2022.

Members were provided with details of the application.

Mr Carr was also named within the application as the proposed Designated Premises Supervisor and Members were advised by the Applicant's Agent that the application for a personal licence had been submitted.

The Team Leader advised Members that following mediation with Environmental Health the applicant had amended his application that included a condition that the number of patrons attending at any one time be restricted to 120 in total and only patrons with pre-issued tickets would be allowed into the premises.

During the consultation period the Licensing Authority initially received two objections, one from Durham Constabulary and one from Wheatley Hill Parish Council. The representation from Wheatley Hill Parish Council was withdrawn as the amendments to the application alleviated their initial concerns.

During the consultation period, the Planning Authority provided comments for information only that were forwarded onto the applicant. The Fire Safety Authority had responded that they had no objections to the application.

Additional information had been submitted by Durham Constabulary that was circulated to all parties prior to the meeting. Part of the additional information was bodycam footage that would be shown to the Sub-Committee.

The Licensing Team Leader outlined the options open to the Sub-Committee.

In response to a question from Sergeant Dickenson, the Licensing Team Leader responded that the occupancy levels were determined by the fire authority and was not replicated in the licence unless Members determined that a condition be added to the premises licence.

Durham Constabulary were then invited to address the Sub-Committee.

Sergeant Dickenson requested that the application be considered in private in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005.

Members considered the request and determined that the public be excluded from the hearing on the grounds that the public interest in doing so outweighed the public interest in the hearing taking place in public.

Members heard the representations of Durham Constabulary and viewed the bodycam footage. All parties were given the opportunity to ask questions of Sergeant Dickenson.

The Applicant's Agent was then invited to address the Sub-Committee. She indicated that she would be referring to the evidence submitted by Durham Constabulary.

In view of this, Members agreed to continue the meeting in private.

Members heard the representations of the Applicant. All parties were given the opportunity to ask questions of the Applicant and his agent.

The meeting adjourned at 11.05 am to allow the Legal Adviser to address Members in private.

After the meeting reconvened at 11.15 am, all parties were invited to sum up.

At 11.25 am Councillors J Blakey, C Hunt and E Peeke **Resolved** to retire to deliberate the application in private. After re-convening at 11.35 a.m. the meeting moved to in public and the Chair delivered the Sub-Committee's decision.

In reaching their decision the Committee had considered the report of the Corporate Director of Neighbourhoods and Climate Change and the verbal and written representations of the Applicant and Durham Constabulary. The Committee had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: That the application for a Premises Licence be refused.

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Monday 4 April 2022 at 9.30 am**

Present:

Councillor R Potts (Chair)

Members of the Committee:

Councillors I McLean, E Peeke and M Wilson

Also Present:

Helen Johnson – Licensing Team Leader, DCC

Sarah Grigor – Solicitor, DCC

Responsible Authorities

John Hayes – Environmental Health, DCC

Sgt Caroline Dickenson – Durham Constabulary

Other Persons

Councillor Alex Watson – on behalf of Mrs Heppell

Mr and Mrs Lidster

Mr and Mrs Scudder

Mrs Looney

1 Apologies for Absence

An apology for absence was received from Councillor Liz Brown.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 10 January 2022 were agreed as a correct record and were signed by the Chair.

5 Application to Vary a Premises Licence - Consett and District Cricket Club, Hope Street, Blackhill, Consett

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application to vary a Premises Licence in respect of Consett and District Cricket Club, Hope Street, Blackhill (for copy see file of Minutes).

A copy of the application and supporting information had been circulated to all parties. The Licensing Team Leader presented the report and referred to the additional information provided by Environmental Health and the Applicant, together with additional information received from the Police that morning which had been circulated to all parties.

The Responsible Authorities were invited to address the Sub-Committee.

Sgt Caroline Dickenson spoke on behalf of Durham Constabulary and read through their representations which were included in the report and the additional information.

John Hayes, Principal Public Protection Officer addressed the Sub-Committee on behalf of Environmental Health, and read through their representations which were included in the report and the additional information. Mr Hayes noted the additional information received from the Applicant but stated that this did not alter the views of Environmental Health.

The other persons were invited to speak at this point.

Local Member Alex Watson spoke on behalf of Mrs Carolyn Heppell. The Councillor stated that Mrs Heppell was one of many objectors to the application. The potential for late night disturbance to residents in the locality who were vulnerable would increase and this concern had been borne out by previous events at the premises. When residents had raised issues previously with the Cricket Club directly, promises had been made but were not adhered to.

Residents were not opposed to the Club and welcomed what it did for the community, especially for children, but this should not be at the expense of the quality of life of residents, which would be threatened if the application was granted.

Mrs Susan Lidster addressed the Sub-Committee who was of the view that the existing licence was more than adequate. Many problems had been experienced within the current conditions. Residents had been good

neighbours towards the Club and had reported any issues directly to the Club not the Police.

There had been no problems prior to 2018. In 2019 residents had experienced intolerable levels of noise at a DJ marquee event until 11pm, despite asking officials at the event to reduce noise levels. Mrs Lidster's husband had contacted Mr Cox who he felt had shown no respect to the community and had been disgusted with his response.

Customers leaving the premises always seemed to cause problems.

Following a further marquee event in February 2020, the noise levels were such that she had contacted the Police and Environmental Health.

In May 2021 Mrs Lidster had contacted Mr Cox to wish the Club success at the event held over the weekend. However the music increased in volume across the weekend with groups of young people jumping between cars, urinating and vomiting. When Mr Cox was contacted about the event he had said 'we hope you enjoyed the free music'. He said that he would erect signage and introduce other measures but had only erected the signs to date.

Mrs Lidster asked if Mr Cox could have approached residents before he submitted the application to discuss. Residents in the locality were predominantly elderly and vulnerable.

Mr Cox had referred to a number of letters of support from local residents but this was not representative of local residents who lived directly adjacent to the Club. They had always tried to negotiate with the Club to address concerns.

If the application was granted residents believed that the Club would maximise the licensable activities allowed and become a pub rather than a club.

Mr Ted Lidster addressed the Sub-Committee.

He explained that in addition to his wife's comments he concurred with the letters in support; the Club was an excellent facility for the sport.

He noted that Mr Cox had stated that he would not encourage the sale of alcohol at junior events, so asked why he had requested it. At junior events parents went to watch their children play, not to drink alcohol.

He believed that the application was to allow the premises to hold beer festivals, weddings, music events etc, although Mr Cox had said that the downstairs area would not be run as a bar.

In conclusion Mr Lidster asked the Sub-Committee to take into account the representations of the Responsible Authorities and the residents. The issues of noise, anti-social behaviour, underage drinking and substance abuse continued to be a concern. He had no objection to the patio as it was a lovely place to sit and he noted that Mr Cox had said that he would stop selling alcohol downstairs at 10pm.

Mr Scudder addressed the Sub-Committee. He stated that he did not wish for any event associated with the Club to be stopped. Introducing a downstairs bar was welcomed as he and his wife had been unable to access the bar upstairs.

The letters of support were all from residents who lived nowhere near the premises, and were from parents whose children used the Club.

Mr Scudder's objection related to the outside events; the adjacent bungalows were very close to the premises. The cricketers parked respectfully but during events the car park itself was not used by the players and parking spilled out onto the nearby streets, and they had been blocked in on occasions. They had been promised residents only car-parking but this had not happened. They had witnessed cars speeding from Redworth Court onto Hope Street, and these problems were exacerbated when there was an event. Customers used their property as a short-cut and a public toilet.

Mr Cox had said that the Club would not use all the hours applied for so Mr Scudder asked why they were needed. In conclusion he supported the Cricket Club and if outdoor events were not held then the problems would be removed.

Mrs Scudder addressed the Sub-Committee and stated that as a person who was disabled and a wheelchair user, her safety was at risk. It was difficult for her to be seen by cars and visitors to the Club often parked on the dropped kerb outside her home. This was not kind or considerate and the problem had worsened in the last three years. If there was a fire she would not be able to get out of her property because of the parked cars. Mrs Scudder asked that cars be prevented from parking outside her home and that the noise from the outdoor events be stopped.

Mrs Looney addressed the Sub-Committee. She lived at the end of Hope Street, and emphasised that she had spent some lovely times watching cricket at the Club.

Mrs Looney had complained about the DJ event, and was pleased to note that it wouldn't happen again. However she had experienced customers leaving the Club knocking on her window and sitting on her windowsill, and she was concerned that this would worsen if the application was granted. It was a shame that the Club was not a venue that everyone could enjoy visiting. There were a lot of issues raised by residents and she accepted that Mr Cox had tried to address some of their concerns.

Mr Cox addressed the Sub-Committee and stated that he appreciated the comments that had been made, and that the primary reason for the application was for the creation of a downstairs serving point to address accessibility. It was not intended to be a sit-in bar. The picnic tables were located away from Redwood Court.

He had made a great error with the DJ event and hadn't appreciated the noise levels that would occur. Prior to him becoming the DPS the management controls in the Club had not been strict enough, and in 2020 a huge change in the Club's management had been implemented to address the issues of the past. This included the operation of the bar.

The Club was entirely run by volunteers as a cricket club and as such there was no desire for the premises to move towards being like a town centre establishment.

The sale of alcohol in the downstairs area was to allow it to be opened as a serving point. Teas/coffees and sweets etc would be sold in the main and it would not be open most days. It would open the following day for a darts match and then not until Easter. It would only be open for matches, training and the odd event. There had only been three events in the last year and the Club had no desire to exceed that number. Mr Cox stated that he was willing to include that as a condition.

With regard to the concerns regarding the removal of the requirement for a door supervisor, he explained that this was an error and he would be happy for this to be included as a condition.

The Club had no intention of holding under 18 music events and all children must be accompanied by parents.

To address the concerns regarding events a risk assessment would be carried out which would be specific to each event. All events would be ticket only. He confirmed that signs had been displayed requesting customers to respect their neighbours. A CCTV system was being installed shortly and additional lighting had been fitted outside.

He would be happy to include conditions regarding the serving point, and advised that up to 10pm was sufficient for alcohol sales in that area.

Addressing the variation application, Mr Cox stated that he was happy to compromise, and on reflection did not need the maximum parameters he had applied for. At this point the Licensing Team Leader suggested that the Sub-Committee consider an adjournment of the hearing to allow discussion between the Applicant, and Responsible Authorities around the licensable activities and hours applied for.

The Sub-Committee agreed that this would be useful and the Chair adjourned the hearing at 11.00am.

After re-convening at 11.25am the Licensing Team Leader presented the following amendments to the application following mediation between the Licence Holder and Responsible Authorities:

- The removal of live and recorded music both indoors and outdoors (live and recorded music was permitted between 8.00pm and 11.00pm for up to 500 people within the licensing regime).
- Removal of performance of dance
- Marquee:
 - to be used only between the months of May and September for no more than four events, and not on consecutive nights;
 - recorded music between the hours of 6.00pm and 10.30pm;
 - live music between the hours of 7.00pm and 10.00pm
- Sale of alcohol on the premises:
 - Ground Floor– Monday to Sunday 12.30pm until 10.00pm, and 10.30pm during marquee events
 - First Floor – Monday to Sunday 11.00am to 11.00pm
- Door Supervisor condition to be reinstated
- Conditions regarding the CCTV system
- Conditions regarding staff training
- No music events for Under 18s
- Children to be accompanied by a responsible adult

All parties were given an opportunity to ask questions of the proposals.

In response to questions Mr Cox confirmed that the application to vary the Premises Licence had been made primarily to accommodate the storage and sale of alcohol in the downstairs bar area. Four events per year had been agreed which would avoid the need to submit TEN applications.

Sgt Dickenson noted that the hours had been reduced on Fridays and Saturdays but that there were other complaints around drunkenness and noise.

John Hayes, Environmental Health stated that he had provided advice to Mr Cox that if noise levels exceeded 65 decibels outside residents' properties then the volume must be reduced.

Mr Lidster believed that the marquee was in breach of building regulations and was advised that this was a planning matter which was outside the remit of the licensing regime.

Mrs Scudder considered that the problems she experienced would continue as her property was located next to the marquee.

Councillor McLean suggested that a condition be included requiring the Club to meet regularly with residents to discuss any concerns.

All parties were given an opportunity make any final comments. At 11.45am Councillors R Potts, I McLean and M Wilson **Resolved** to retire in private to consider the application.

After re-convening at 12.05pm the Chair delivered the Sub-Committee's decision. In reaching their decision, the Sub-Committee had taken into account the report of the Licensing Team Leader, the additional information provided, and the written and verbal representations of the Applicant, the Police, Environmental Health and local residents. Members had also considered Durham County Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

RESOLVED:

That the Premises Licence be varied as follows, in accordance with the mediation between the Licence Holder and Responsible Authorities:

- the provision of live music, performances of dance and recorded music are removed from the licence.
- The sale of alcohol for on sales is limited to Monday to Sunday 12.30pm to 22.00pm in the ground floor bar.
- The sale of alcohol for first floor bar is to limited from Monday to Sunday between 11am to 11pm and indoor sporting events can take place Monday to Sunday between 11am to 11pm.
- Indoor sporting events are to take place between Monday to Sunday 11am to 11pm.

- There are to be no more than four outdoor marquee events between May and September and these are not to be on consecutive nights. For these marquee events there is to be recorded music between 6pm to 22.30pm and Live Music between 7pm and 22.00pm.
- At the request of the residents, a meeting is to be arranged to discuss any issues that may arise.
- A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally. Recorded CCTV images will be maintained and stored for a period of twenty eight days and shall be produced to the Police or Licensing Authority upon request. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player. Any person left in charge of the premises must be trained in the use of any such CCTV equipment and be able to produce CCTV images to an officer from a responsible authority upon request. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment to be carried out by the DPS.
- There are to be no under 18 events and any children under the age of 18 are to be accompanied by a responsible adult.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Monday 4 April 2022 at 1.30 pm**

Present:

Councillor R Potts (Chair)

Members of the Committee:

Councillors I McLean and E Peeke

Also Present:

Helen Johnson – Licensing Team Leader

Stephen Buston – Solicitor, DCC

1 Apologies for Absence

Apologies for absence were received from Councillors L Brown and M Wilson.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Aldin Grange Farm, Aldin Grange Lakes, Bearpark, Durham

The Committee considered a report of the Corporate Director of Neighbourhoods and Climate Change regarding an application to grant a Premises Licence in respect of Aldin Grange Farm, Aldin Grange Lakes, Bearpark (for copy see file of Minutes).

A copy of the application and supporting documentation had been circulated to all parties, together with letters of support provided by the Applicants.

The Licensing Team Leader presented her report and explained that both the applicants and objectors were not in attendance. The parties had requested that the hearing proceed in their absence and the Applicants had provided a written statement prepared by their representative Chloe Atkinson which the Licensing Team Leader read out to the Sub-Committee.

The statement provided some background to the business and explained that Ms Atkinson worked closely with the Applicants on the farm and that she had recently opened Field and Fodder, a farm shop offering some of the amazing local produce that could be found in the North of England, and part of the building where a licence would apply if granted. She had grown up at the farm and knew the surrounding area very well.

The statement addressed some of the concerns raised by Mr Alan Hodgson. She was aware of the covenant on the land and had sought legal advice on this matter. If the licence was granted, alcohol would not be sold until this matter was resolved.

With regard to the comments regarding “drunken youths”, “loud music”, “foul language” and other antisocial behaviour, she did not know what Mr Hodgson was referring to and hoped that the Sub-Committee could see from letters and signatures of residents in the direct area that this sort of behaviour was not and had never been a part of life at Aldin Grange. The only time there had been a temporary structure at the farm was a marquee in the fishing lake car park for her own wedding, where a fully licenced external company was used to provide a bar. This event was on August 19th 2017. Music levels/ noise had never been raised as a concern from any authority and they had never been asked to restrict this to 23.00 hours as Mr Hodgson had suggested.

With regard to Mr Hodgson’s comments regarding the licensing hours, the hours applied for were not excessive and were for the sale of alcohol during opening hours and for small pre-booked tasting evenings within the shop, together with services such as late-night shopping during festive periods without the need to submit TEN applications.

In conclusion, Ms Atkinson stated that this was a family run business in rural Durham. The café had some loyal and valued customers who came back again and again due to the beautiful and relaxing environment at Aldin Grange Lakes. Her shop was an artisan shop which would benefit from selling craft ales and liquors from the local area both as gifts and for people to enjoy and learn about all of the amazing companies right on their doorstep. She hoped that the Sub-Committee would consider all of the facts and come to the agreement that the licence should be granted for Aldin Grange Lakes.

Following a question from the Chair regarding the comments about public disorder, the Licensing Team Leader confirmed that no representations had been received from the Police or Environmental Health.

At 1.40pm the Sub-Committee **Resolved** to retire to deliberate the application in private. After re-convening at 1.50pm the Chair delivered the Sub-Committee’s decision. In reaching their decision, the Sub-Committee had taken into account the report of the Licensing Team Leader and the additional information provided, together with the written objections by Mr A Hodgson, and the written statement on behalf of the Applicants. Members had also considered Durham County Council’s Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

RESOLVED:

That the application be granted as follows:

Licensable Activity	Days & Hours	
Supply of Alcohol (on and off sales)	Monday to Sunday	09.00 – 22.00 hrs
Open to the public	Monday to Sunday	07.00 – 22.00 hrs

The following conditions to be attached to the licence:

1. The following steps will be used to promote the prevention of crime and disorder:
 - (a) Use of signage to increase visibility of lack of tolerance of any criminal/unruly behaviour
 - (b) Proof of age scheme to be in place for both café and farm shop
 - (c) Remote cameras used currently to monitor behaviour of anyone on site
 - (d) Mobile phones with all staff to connect with local police
 - (e) Open containers not to be taken off premises
 - (f) Incident log to report any incidents at the premises

2. The following steps will be used to promote public safety:
 - (a) Safe capacity limits to be monitored by business owners
 - (b) Remote cameras to monitor/maintain flow of people
 - (c) Regular cleaning of areas

- (d) Staff fully trained
3. The following steps will be used to prevent public nuisance:
- (a) Limited hours of operation
 - (b) Log for recording nuisance complaints
 - (c) Bins out of way of premises
 - (d) Booking system for any public on site after general 9.00am to 5.00pm
4. The following steps will be used to protect children from harm:
- (a) Any person suspected of being below 18 will be challenged for ID
 - (b) Drinking will not be promoted as the primary reason to visit this venue
 - (c) There is no other 'adult entertainment'

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Thursday 28 April 2022 at 1.30 pm**

Present:

Councillor J Blakey (Chair)

Members of the Committee:

Councillors L Brown, D Sutton-Lloyd and E Waldock

Also Present:

Karen Robson – Senior Licensing Officer

Stephen Buston – Solicitor, DCC

John Hayes – Environmental Health

Joe Dixon – Environmental Health

Stewart MacDonald – Licence Holder, Horden Labour Club

Peter Garvey – Entertainment Manager, Horden Labour Club

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes of the Meeting held on 5 November 2021

The Minutes of the meeting held on 5 November 2021 were agreed as a correct record and were signed by the Chair.

5 Consideration of a Temporary Event Notice - Horden Labour Club, Sunderland Road, Horden

The Sub-Committee considered a report of the Senior Licensing Officer regarding an application for a Temporary Event Notice (TEN) in respect of

Horden Labour Club, Sunderland Road, Horden (for copy see file of Minutes).

A copy of the report and supporting information had been circulated to all parties.

Karen Robson, the Senior Licensing Officer presented the report and responded to questions. Stephen Buston, Solicitor sought clarification that the application was for an additional 1hr 30 on Sunday 1 May 2022 until 2.00am, and noted that the premises was licensed for the sale of alcohol until 2.00am on Fridays and Saturdays. Karen Robson confirmed this to be the case.

John Hayes, Environmental Health outlined their objection to the TEN which mainly related to cumulative impact of three nights in a row which would be unreasonable for local residents. He appreciated that the premises could already open until 2.00am for two nights across the weekend but a third night would be unreasonable.

Mr MacDonald stated that he had attempted to contact Environmental Health via e-mail and voicemail to discuss what was planned and he believed that if they had discussed the proposals a Sub-Committee may not have been necessary.

Mr Hayes confirmed that he had received the e-mail but that it did not seek a response and that unfortunately he had not received the voicemail message in time.

Mr MacDonald asked if Environmental Health had received any complaints from residents regarding the premises. Mr Hayes confirmed that they had not but that the Police had raised issues around an incident in February. Environmental Health did not wait until a complaint was received before taking action; the emphasis was on prevention. Environmental Health's main concern was the impact of three consecutive nights on sensitive receptors close by.

Mr MacDonald addressed the Sub-Committee and commenced by stating that since the premises had been operating until 2.00am there had been no issues. He assured the Sub-Committee that he was not afraid to take action if there were problems; three customers had been barred for life, were put on Pubwatch for five years and had been named and shamed. Horden Labour Club was a venue which people could attend safely and which was not a nuisance to residents and the community.

Meetings were organised by the premises which residents could attend and raise any concerns. Only the Police and local Councillors had attended the last meeting.

The premises operated a strict no violence policy.

There was a lack of available taxis in the locality at around midnight and the 2.00am closing time helped with this, avoiding the need for people to wait outside the premises and potentially cause problems for local residents.

Mr Hayes had referred to Environmental Health's objection being about the prevention of nuisance and he assured the Sub-Committee if he had received any complaints, events such as this would not be held. His premises licence was the most important thing he had. He had invested more than he had paid for the premises and because of his lack of experience had brought in experienced staff, three of whom were trained on door supervision and first aid.

Mr MacDonald noted that Mr Hayes had not objected to a TEN for an event the premises held two weeks earlier. He felt that there was no clarification for him as a licensee about what was acceptable.

The issue referred to in February had occurred inside the premises and in two years he had made three calls to the Police. To put this into perspective his daughter's primary school had made six calls to the Police in two years.

As part of the Government's levelling up agenda he believed that premises such as the Labour Club should be invested in to keep people local. Since the train station in Horden had re-opened people were going out of the area. He had applied for two TENs, one of which was not objected to. The TEN was for upstairs only, the downstairs bar would close. Four door supervisors would be employed instead of two.

The Senior Licensing Officer noted that the application did not specify that the event would be upstairs only.

Councillor Brown asked if functions were proposed on the Friday and Saturday nights. Mr MacDonald confirmed that the same type of licensable activities would take place on Friday and Saturday evenings.

Following further questions from Councillor Brown, Mr MacDonald confirmed that the Sunday event would not be ticketed. Customers would be expected to pay at the door and would be screened and given a hand stamp. The room capacity was 250 but for this event the limit would be 180.

Councillor Blakey asked if the premises had noise limiters. Mr MacDonald confirmed that it did not but doors and windows would be closed in accordance with the conditions on the Premises Licence.

Mr Hayes noted that when Mr McDonald had applied for the variation to the Premises Licence last year he had pulled back the hours requested. Mr MacDonald stated that he had offered this, not the Police or Environmental Health.

Following a further question from Mr Hayes, Mr MacDonald confirmed that he had his contact details but had not sought advice as Environmental Health had not objected to the last TEN. However he would do so in future.

Mr Hayes asked about the arrangements for the Friday and Saturday evenings, and Mr MacDonald confirmed that those evenings would be policed in the same way as the event on Sunday.

All parties were invited to make a closing statement.

Mr MacDonald stated that when he had made application he had stated that on the advice of the Police all the conditions in place for Friday and Saturday evenings would be applied. He was aware that this was a 'gentlemen's agreement' but he would do so, and this included having four door supervisors instead of two.

At 2.00pm Councillors Jan Blakey, David Sutton-Lloyd and Emma Waldock **Resolved** to retire to deliberate the application in private. After re-convening at 2.20pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee considered the report of the Senior Licensing Officer, together with the written and verbal representations of Environmental Health and the Applicant. Members also took into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

RESOLVED:

That the application be granted with all the conditions from the existing premises licence attached. The Sub-Committee noted that the event would be upstairs with additional door supervisors in place.

Statutory Licensing Sub-Committee

7th June 2022

**Application for the grant of a
Premises Licence**

Ordinary Decision



**Report of Alan Patrickson Corporate Director of Neighbourhoods
and Climate Change**

**Councillor John Shuttleworth, Cabinet Portfolio Holder for
Neighbourhoods and Climate Change**

Electoral division(s) affected:

Durham

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for The Botanist, Unit 3, Upper Waterside, Milburngate, Durham DH1 4FX
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application for the grant of a premises licence for The Botanist, Unit 3, Upper Waterside, Milburngate, Durham was submitted by Kuit Steinart Levy LLP (applicant's solicitor) on behalf of New World Trading Company (UK) Limited.

The application requests the following licensable activities:

- Provision of Live Music, Recorded Music and Supply of Alcohol for consumption on and off the premises: 9.00 am to midnight Monday to Thursday, from 9.00 am to 1.00 am Friday to Sunday and from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day, with an additional hour on the day British Summer Time commences
- Provision of Late Night Refreshment: 11.00 pm to midnight Monday to Thursday, from 11.00 pm to 1.00 am Friday to Sunday and from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day, with an additional hour on the day British Summer Time commences

- 4 During the consultation period, the Licensing Authority received one objection from Mr Humphrey, Co-Chairman of the Sidegate Residents Association (other person).
- 5 Responses were received from the Fire Safety Authority, the Durham Safeguarding Children Partnership, Environmental Health Department and Durham Constabulary, all confirming they had no comments to make regarding the application.

Recommendation(s)

- 6 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 7 The Sub-Committee is recommended to give appropriate weight to:
 - (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations (including supporting information) presented by all parties;
 - (c) Durham County Council's Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 6.
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 7.

Background

- 8 An application for the grant of a premises licence was received by the Licensing Authority on 11th April 2022. The application was subject to a 28-day public consultation which ended on 9th May 2022.

Details of the application

- 9 A copy of the premises licence application and supporting documents from the applicant are attached at Appendix 3.
- 10 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.

11 The proposed licensable activities are as follows:

Licensable Activities	Proposed Days/Times
Supply of alcohol (on and off sales) Live and Recorded Music (indoors) Late Night Refreshment (indoors)	Monday to Thursday: 09:00 – 00:00 hrs. Friday to Sunday: 09:00 – 01:00 hrs. Monday to Thursday: 09:00 – 00:00 hrs. Friday to Sunday: 09:00 – 01:00 hrs. Monday to Thursday: 23:00 – 00:00 hrs. Friday to Sunday: 23:00 – 01:00 hrs. All above activities: From the end of permitted hours On New Years Eve to the start of permitted hours on New Years Day, with an additional hour on the day British Summer Time commences.
Hours open to the public	Monday to Thursday: 09:00 – 00:30 hrs. Friday to Sunday: 09:00 – 01:30 hrs. From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day, with an additional hour on the day British Summer Time commences.

The Representation

- 12 During the consultation period, the Licensing Authority received one representation opposing the application from Mr Humphrey, Co-Chairman of the Sidegate Residents Association (Other person).
- 13 The Licensing Authority deemed the representation to be relevant and relating to the Prevention of Public Nuisance objective.
- A copy of the representation is attached at Appendix 4.
- 14 Responses were also received from the Fire Safety Authority, the Durham Safeguarding Children Partnership, Environmental Health Department and Durham Constabulary, all confirming they had no comments to make.

These are attached as Appendix 5.

The Parties

15 The Parties to the hearing will be:

- New World Trading Company (UK) Limited - (Applicants)
- Ms Felicity Tulloch, Kuit Steinart Levy - (Applicants' solicitor)
- Mr R Humphrey, Sidegate Residents Association - (Other person)

Options

16 There are a number of options open to the Sub-Committee:

- (a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003;
- (b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and the mandatory conditions set out in the Licensing Act 2003;
- (c) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- (d) To refuse to specify a person on the licence as the Designated Premises Supervisor;
- (e) To reject the application.

Main implications

Legal Implications

17 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

See Appendix 1.

Consultation

18 The grant of a premises licence application was subject to a 28 day consultation.

See Appendix 1

Conclusion

- 19 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)

Other useful documents

None

Contact: Yvonne Raine

Tel: 03000 265256

Appendix 1: Implications

Legal Implications

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that:

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

In addition to this, it was stated that any condition attached to the licence should be an enforceable condition.

Consultation

The premises licence application was subject to a 28 day consultation in accordance with the Licensing Act 2003 and its regulations.

The Responsible Authorities were consulted on the application.

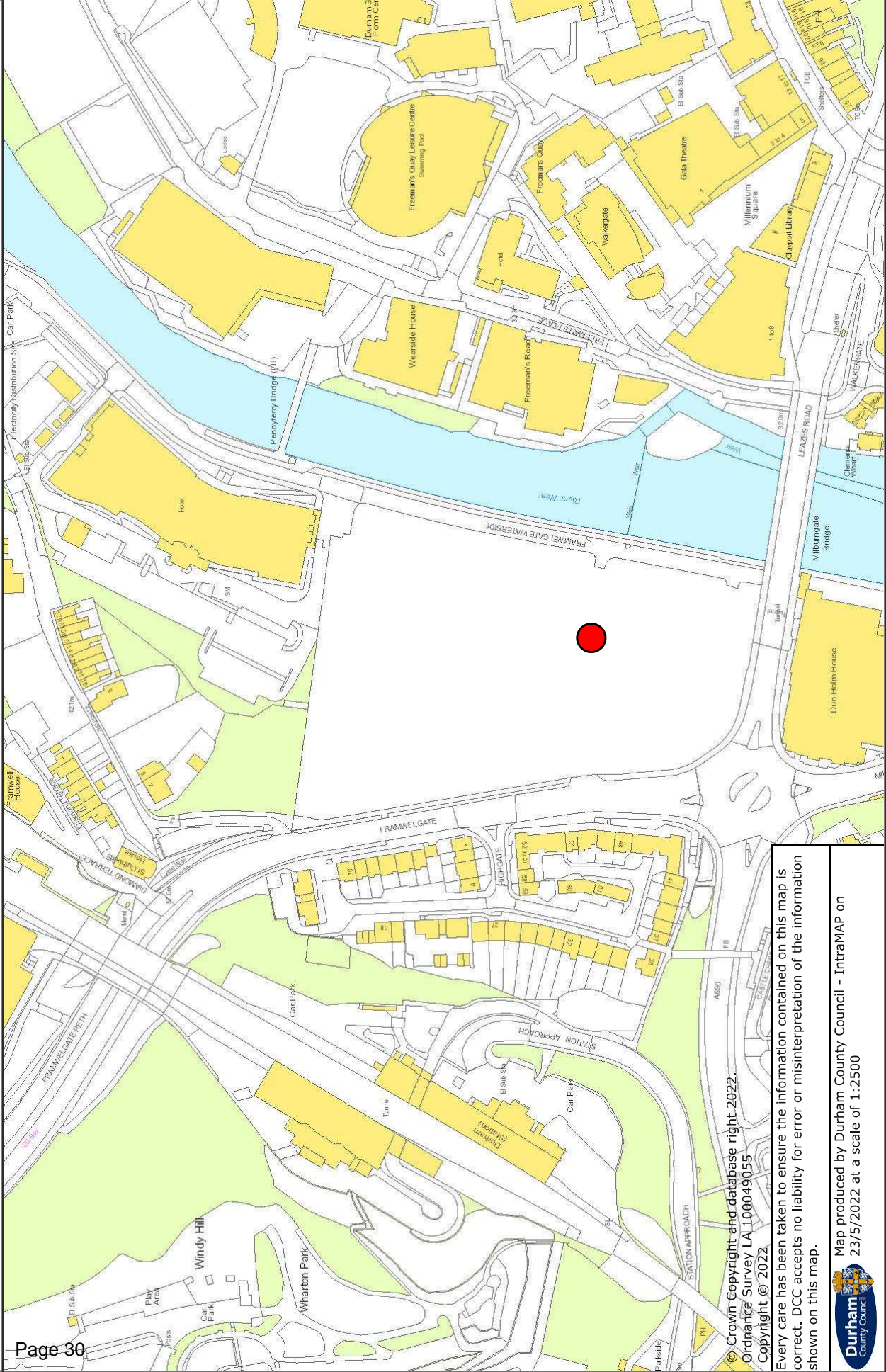
The notice of application was displayed on the premises for a period of 28 days.

Notice of the application was published in a newspaper which was circulated within the vicinity of the premises.

In addition, details of the application were available to view on the Council's website throughout the 28 day consultation period.

Appendix 2: Location Plan

Durham County Council - IntraMAP



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Ordnance Survey LA 100049055
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Every care has been taken to ensure the information contained on this map is correct. DCC accepts no liability for error or misinterpretation of the information shown on this map.

Map produced by Durham County Council - IntraMAP on 23/5/2022 at a scale of 1:2500



Appendix 3: Premises Licence Application



* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

NEW218/53

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

New World Trading Company (UK) Limited

* Family name

n/a

* E-mail

|

Main telephone number

|

Include country code.

Other telephone number

|

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

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

Yes No

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

Registration number

07685158

Business name

New World Trading Company (UK) Limited

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

VAT number

-

|

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

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

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

Agent Business

Is your business registered in the UK with Companies House? Yes No

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Private limited company.

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Restaurant and bar. You can find out more about the brand at www.thebotanist.uk.com

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
An additional hour on the day British Summer Time commences to disapply its effect.

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
An additional hour on the day British Summer Time commences to disapply its effect.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
An additional hour on the day British Summer Time commences to disapply its effect.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

On the premises Off the premises Both

If the sale of alcohol is for consumption on
the premises select on, if the sale of alcohol
is for consumption away from the premises
select off. If the sale of alcohol is for
consumption on the premises and away
from the premises select both.

Continued from previous page...

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
An additional hour on the day British Summer Time commences to disapply its effect.

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Continued from previous page...

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

n/a

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
An additional hour on the day British Summer Time commences to disapply its effect.

Section 18 of 21

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Please refer to the attached Operating Schedule and Policies.

b) The prevention of crime and disorder

Please refer to the attached Operating Schedule and Policies.

c) Public safety

Please refer to the attached Operating Schedule and Policies.

Continued from previous page...

d) The prevention of public nuisance

Please refer to the attached Operating Schedule and Policies.

e) The protection of children from harm

Please refer to the attached Operating Schedule and Policies.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Premises licence fees can be calculated by visiting the Department for Culture Media and Sport website at http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/3193.aspx

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

Details of these additional fees can be found on the website http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4040.aspx

* Fee amount (£)

315.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

Continued from previous page...

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]. I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my * licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

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

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

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

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OPERATING SCHEDULE
THE BOTANIST, DURHAM

Hours

Sale of Alcohol/Live Music/Recorded Music:

Monday to Thursday: 09:00 – 00:00

Friday to Sunday: 09:00 – 01:00

LNR:

Monday to Thursday: 23:00 – 00.00

Friday to Sunday: 23:00 – 01.00

Opening:

Monday to Thursday: 09:00 – 00:30

Friday to Sunday: 09:00 – 01:30

A) The Prevention of Crime and Disorder

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of thirty-one days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. On Fridays, Saturdays and Bank Holiday Sundays a minimum of 2 SIA registered door supervisors shall be employed at the premises from 21:00 until close.
6. At all other times, SIA registered door staff shall be employed at the premises, in accordance with a risk assessment to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
7. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - (i) the number of door staff on duty;
 - (ii) the identity of each member of door staff;
 - (iii) the times the door staff are on duty.
8. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
9. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives, and the laws relating to under age sales and the sale of alcohol to intoxicated persons, and that training shall be documented and repeated at 6 monthly intervals.
10. A refusals book will be maintained at the premises, with records kept for a minimum of 6 months and made available to an officer of a responsible authority upon request.
11. The premises will subscribe to the Townlink radio system.

12. The premises licence holder or DPS will be a member of and participate in the Pubwatch scheme operating in Durham. Persons who are banned under the Pubwatch scheme will not be allowed entry to the premises.
13. There shall be a policy agreed with Durham Constabulary and approved by an authorised officer of the Licensing Authority for the premises relating to illegal drugs found on persons or on the premises.
14. A secure deposit box will be kept on the premises for the retention of confiscated items. Police will be advised of the seizure of any items such as drugs/weapons within 48 hours to ensure safe disposal.
15. Waiter/waitress service shall be available at all times the premises offers licensable activities.

B) Public Safety

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain an Incident Log and public liability insurance.

C) The Prevention of Public Nuisance

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. The exterior of the building shall be cleared of litter at regular intervals.
4. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
5. Doors and windows at the premises are to remain closed after 23:00, save for access and egress.
6. A Dispersal and Smoking Policy will be implemented and adhered to.
7. The emptying of bins into skips (except into skips stored in internal areas), and refuse collections will not take place between 23:00 and 07:00.

D) The Protection of Children From Harm

1. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age

of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.

3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

THE BOTANIST, DURHAM

DISPERSAL POLICY

The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising pro-active measures towards and at the end of the evening.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this does not apply in the case of consumption in any delineated external drinking area or in the case of alcohol sold in sealed containers for consumption off the premises).
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.

**THE BOTANIST, DURHAM
SMOKING & AL FRESCO DINING POLICY**

1. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
2. The outside area shall be monitored by staff or door staff (when employed) regularly when it is in use
3. The area will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
7. Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.

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LICENSING KEY:
 AREA TO BE USED FOR THE SALE OF ALCOHOL
 THIS AND THE PROVISION OF REGULATED ENTERTAINMENT
 EXTERNAL AREA TO BE USED FOR THE SALE OF ALCOHOL
 This location and type of any fire safety and any other measures must be agreed with the Fire Authority at the time of the application for a licence.

- KEY**
- EMERGENCY FLOODLIGHT
 - EMERGENCY LIGHT
 - ILLUMINATED EMERGENCY EXIT SIGN
 - HEAT GLASS ALARM POINT
 - FIRE ALARM SOUNDER
 - HEAT SMOKE DETECTOR
 - MAIN FIRE PANEL
 - VISUAL WARNING DEVICE
 - FIRE BLANKET
 - 100 POWDER FIRE EXTINGUISHER
 - FOAM FIRE EXTINGUISHER
 - AIS CHEMICAL EXTINGUISHER
 - PUSHED FIRE SMOTHER
 - INTELLIGENT SMOKE
 - ALARMED AREA (INCL. BARS)
 - WALL MOUNTED HOLD FOR LOGS

AS SHOWN ON THE DRAWING THE LICENSING KEY WITH THE APPROVAL OF OPERATING PLAN

CONCEPTUAL

PROJECT DETAILS
 The Bolinnet - Durham
 DRAWING TITLE
 Proposed Ground Floor Licensing Plan
 DRAWN BY
 Dave Isidley
 DATE
 27/01/2022
 DRAWING NO
 NW19-13
 SCALE
 1/5th A1
 REVISION
 /

NEW WORLD TRADING CO.
 2 MALT STREET KNUTSFORD
 CHESHIRE WA16 4ES
 www.newworldtrading.co.uk

PROPERTY OF THE NEW WORLD TRADING CO. 2019



PROPOSED GROUND FLOOR LICENSING PLAN
 Scale 1:75

REV.	DESCRIPTION	DATE	BY	LD	UT

LICENSING KEY:
 AREA TO BE USED FOR THE SALE OF ALCOHOL
 THIS IS IN THE PROVISION OF REGULATED ENTERTAINMENT
 EXTERNAL AREA TO BE USED FOR THE SALE OF ALCOHOL
 The location and type of any fire safety and any other measures are shown with the agreement of the fire officer at the risk assessment.

- KEY**
- ♦ EMERGENCY FLOODLIGHT
 - ⬛ ILLUMINATED EMERGENCY EXIT SIGN
 - Ⓜ BREAK GLASS ALARM POINT
 - Ⓜ FIRE ALARM SOUNDER
 - Ⓜ HEAT SMOKE DETECTOR
 - Ⓜ MAIN FIRE PANEL
 - Ⓜ VISUAL WARNING DEVICE
 - Ⓜ FIRE BLANKET
 - Ⓜ HOV POWDER FIRE EXTINGUISHER
 - Ⓜ HOV FIRE EXTINGUISHER
 - Ⓜ HOT CHEMICAL EXTINGUISHER
 - Ⓜ POWDER FIRE SNIFFER
 - Ⓜ INTELLIGENT SIGNAGE
 - Ⓜ LICENSING AREA (INCL. BARS)
 - Ⓜ NO SMOKE: HOLD FOR LIGHTS
 - Ⓜ NO SMOKE: HOLD FOR LIGHTS

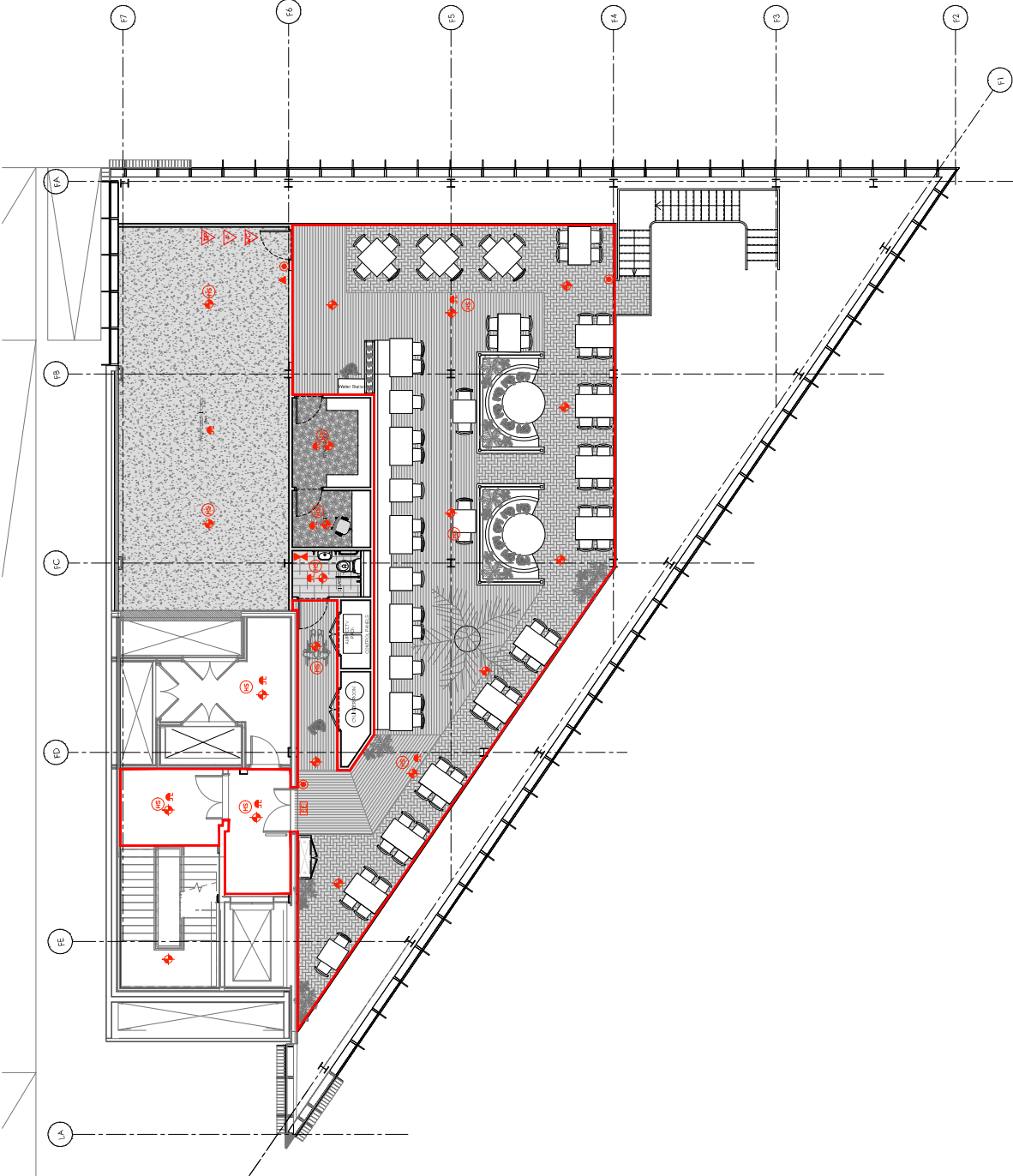
ACTIVATING THE COUNTER BELL IN ADVANCE WITH THE APPROVAL OF OPERATING PLAN

CONCEPTUAL

PROJECT DETAILS
 The Bolton - Oldham
 DRAWING TITLE
 Proposed Mezzanine Floor - Licensing Plan
 DRAWN BY
 Dawn Hildray
 DATE
 25/01/2022
 SCALE
 1/25 @ A1
 REVISION
 1/1
 15/01/16

NEW WORLD TRADING CO
 2 MALT STREET KNUTSFORD
 CHESHIRE WA16 4ES
 www.newworldtrading.co.uk

PROPERTY OF THE NEW WORLD TRADING CO. 2019



PROPOSED MEZZANINE FLOOR - LICENSING PLAN
 Scale 1:75

Appendix 4: Representation from Sidegate Residents Association

Revised representation from Sidegate Residents Association:

From: R Humphrey

Sent: 11 May 2022 11:24

To: Yvonne Raine

Subject: RE: Premises Licence application - Objection - The Botanist, Unit 3, The Waterside, Durham

Dear Yvonne

The SRA would like our objections stand, without the sentence referring to 'normal licensing hours'.
So:

Dear Durham Licensing Authority,

It has come to our attention New World Trading (UK) Limited have applied for a Premises Licence for Unit 3, at the Waterside development, Milburngate, to permit live and recorded music (indoors) and the sale of alcohol between 9am and midnight Monday to Thursday, and to 1am Friday to Sunday, and for longer on New Year's Eve.

The Sidegate Residents Association objects to this application in the strongest possible terms, and we believe that the granting of the application would seriously cause unreasonable interference with the use and enjoyment of our own homes. We therefore believe that the application fails to meet one of the key licensing objectives laid out in the Licencing Act 2003, namely the prevention of public nuisance.

The members of our Association live extremely closely to the Waterside development, and we are all very worried about the noise and disturbance that could well result in and around our neighbourhood after the building works are over, unless premises are tightly regulated by the Licensing Authority.

Yours sincerely

R Humphrey
Chair, Sidegate Resident's Association

Original representation from Sidegate Residents Association:

From: R Humphrey

Sent: 09 May 2022 17:27

To: AHS Licensing <

Subject: Application for License for New World Trading (UK) Limited, Waterside Development, Millburngate

Dear Durham Licensing Authority,

It has come to our attention New World Trading (UK) Limited have applied for a Premises Licence for Unit 3, at the Waterside development, Millburngate, to permit live and recorded music (indoors) and the sale of alcohol between 9am and midnight Monday to Thursday, and to 1am Friday to Sunday, and for longer on New Year's Eve.

The Sidegate Residents Association objects to this application in the strongest possible terms, and we believe that the granting of the application would seriously cause unreasonable interference with the use and enjoyment of our own homes. We therefore believe that the application fails to meet one of the key licensing objectives laid out in the Licensing Act 2003, namely the prevention of public nuisance.

The members of our Association live extremely closely to the Waterside development, and we are all very worried about the noise and disturbance that could well result in and around our neighbourhood after the building works are over, unless premises are tightly regulated by the Licensing Authority.

We would urge the Licensing Authority not to grant his application for serving alcohol outside of normal licensing hours.

Yours sincerely

R Humphrey
Co-Chair, Sidegate Resident's Association

Appendix 5: Responses from Responsible Authorities



Chief Fire Officer: Stuart Errington

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

Date: 12 April 2022

This matter is being dealt with by: David Tempest

Ext:

Our Ref: 7A40850290

Your Ref: The Botanist Unit
3 The Waterside Durham

Direct Dial Telephone: _____

E-mail: _____

Tracey Marie Lock
Licensing Officer
Community Protection Service
Neighbourhood and Climate Change
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

Dear Tracey,

Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005
The Botanist, The Botanist, Unit 3 The Waterside, Milburngate House, Durham, DH1 5TL

I acknowledge your application dated 11/04/2022 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.

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

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



www.ddfire.gov.uk

Yours faithfully

David Tempest
Fire Safety Section

Electronic Copy

From: DSCP Secure <
Sent: 14 April 2022 14:25
To: Tracey Lock
Subject: RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES - THE BOTANIST UNIT
3 THE WATERSIDE DURHAM DH1 4FX

My Ref: SW/2022/025

I represent the Durham Safeguarding Children Partnership (DSCP) 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 The Botanist Unit 8 The Waterside Durham DH1 4FX.

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

Stephen Winship

Policy & Strategy Officer
Durham Safeguarding Children Partnership

Tel :
County Hall, Durham
DH1 5UJ



Durham Safeguarding Children Partnership (DSCP)

Keeping Children Safe

dscpsecure@durham.gov.uk

www.durham-scp.org.uk



**D20
25**

Durham has made the shortlist!

UK City of Culture Bid



From: John Hayes <
Sent: 29 April 2022 13:30
To: Tracey Lock <
Cc: AHS Licensing <
Subject: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES - THE BOTANIST UNIT 3
THE WATERSIDE DURHAM DH1 4FX

Good afternoon Tracey

**Re: Licensing Application New premises application
The Botanist, Unit 3 The Waterside Millburngate Durham DH1 5TL**

With reference to the above licensing application received on 12 April 2022.

I have assessed the application with reference to the prevention of public nuisance licensing objective and would confirm I have no objection to raise in relation to the granting of the above New Premises License Application.

Best regards

John

**John Scott Hayes MCIEH BSc(Hons) PGDipIOA
Principal Public Protection Officer**

Development Assessment Team
Community Protection Service
Neighbourhoods & Climate Change

Direct:

Switchboard 03000 26 0000

Mobile:

E:

www.durham.gov.uk

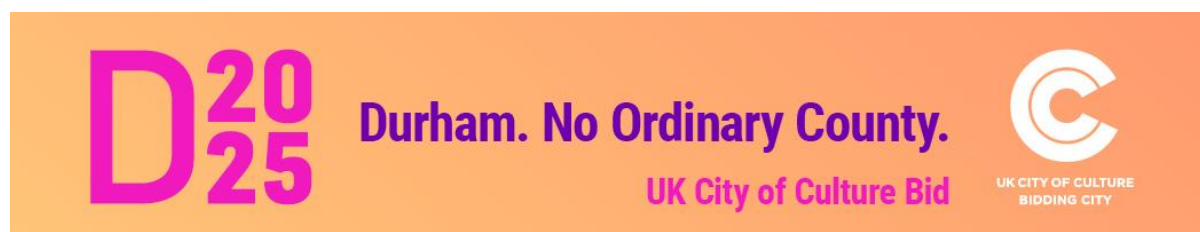
<http://www.durham.gov.uk/coronavirus>

Follow us on Twitter @durhamcouncil

Like us at facebook.com/durhamcouncil

Follow us on linkedin.com/company/durham-county-council

Follow us on Instagram @durham_county_council



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

From: Licensed Economy Team <

.police.

Sent: 09 May 2022 12:33

To: Tracey Lock <

Cc: AHS Licensing <

Subject: RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES - THE BOTANIST UNIT
3 THE WATERSIDE DURHAM DH1 4FX

Good afternoon,

Durham Constabulary have no objections to this application

Thank you

Appendix 6: Statement of Licensing Policy

7.3 Prevention of Public Nuisance - 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 near the premises.

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 **council 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.

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 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 or appropriate signage requesting customers to consider residents and monitoring of such areas by staff.

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 authorisations will often be required from the Highways Authority. Enquiries concerning such consents should be made to the Council's Highway's Section (see Appendix III). In predominantly commercial areas, such as shopping centres, 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.

Applicants should consider 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 council 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 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.

Applicants are advised to seek advice from Durham County Council's Environmental Health team and incorporate any recommendations in their operating schedule before submitting their applications.

Takeaways and fast-food outlets - The council 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 display notices advising customers of the location of bins and patrons should be encouraged to use the bins made available.

Important note: The council considers that it will be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises (“takeaway” premises).

Takeaway premises are often open late at night and in the early hours of the morning. They can be associated with disorder as people under the influence of alcohol may congregate outside takeaways after leaving or in some cases having been ejected from late-night licensed premises.

Takeaways operate within the night time economy but without the same framework around them, e.g. pubwatch, use of security staff etc. In addition, alcohol sold from takeaways could readily be consumed in public spaces and may not be subject to the same controls associated with other types of licensed premises.

From a health perspective, obesity levels are rising nationally and locally; without action the health of the population will continue to suffer. Responsible licensees can support the ‘Working toward a healthy weight in County Durham’ goals and the council would see the following steps as a contribution to reducing health harms and health inequalities:

- Menu to display calories per portion information for all food offers.
- Menu to offer at least one clear and stated, 'healthy option' and to be priced competitively.
- Menu to display recommended daily calorie limits for adults (For women the recommended limit is 2,000 calories a day for men it's 2,500).
- Menu to offer smaller / half portions.
- Salt and pepper available upon request rather than always on the table

In addition to the information provided above, **Table 3 in Appendix IV** provides recommendations, suggestions and examples of how to prevent the specific nuisance type outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

Appendix II Framework Hours: recommended terminal hours for the sale of alcohol and the provision of late-night refreshment for different types of premises

Category of Premises	Weekdays*	Weekends*	Bank Holidays*
Premises licensed for the sale or supply of alcohol for consumption on or off the premises e.g. pubs, social clubs and nightclubs	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed for the sale of alcohol for consumption off the premises only e.g. off licences, supermarkets and garages	07.00 to 23.30	07.00 to 00.30	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises with licences not including the sale or supply of alcohol (community centres, village halls)	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed primarily for late night refreshment e.g. takeaways	01.00	02.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)

* **NOTE:** For the purposes of this matrix, weekdays mean Monday to Thursday; Weekends include Friday night into Saturday Morning, Saturday night into Sunday morning and Sunday night into Monday morning; and Bank Holidays means Sunday night into Monday morning and Monday night into Tuesday morning.

Appendix 7: Section 182 Guidance

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.

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