

# **Statutory Licensing Sub-Committee**

**30<sup>th</sup> April 2019**

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

**Ordinary Decision**



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

**Councillor Brian Stephens, Cabinet Portfolio Holder for  
Neighbourhoods and Local Partnerships**

**Electoral division(s) affected:**

Barnard Castle East

## **Purpose of the Report**

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for Barnard Castle Brewery, Quaker Yard, Rear of 24 Newgate, Barnard Castle, Co Durham DL12 8NG from The Three Counties Brewery Limited – Mr Kevin Carr.
- 2 A plan showing the location of the premises is attached at Appendix 2.

## **Executive summary**

- 3 The original application requested the granting of a new Premises Licence for a Barnard Castle Brewery for the sale of alcohol (on and off sales) from 09:00 hrs until 23:00 hrs Monday to Sunday inclusive, Bank holiday weekends (Friday, Saturday and Sunday) until 23:30 hrs and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The applicant has revised the application for the sale of alcohol to:

Sale of alcohol 'on' sales Fridays and Saturdays 17:30 hrs - 21:00 hrs  
Sale of alcohol 'off' sales Fridays and Saturdays 12:30 hrs - 21:00 hrs

The new proposed opening hours of 12:30 hrs until 21:30 hrs Fridays and Saturdays only. All non standard hours have been removed.

- 4 Durham Constabulary mediated with the applicant and additional conditions were agreed and added to the application by the applicant.

- 5 The licensing authority received a letter from the Planning Authority, not amounting to a representation and this has been forwarded to the applicant for their information.
- 6 Durham County Council Environmental Health, Durham Local Safeguarding Children Board, Durham County Council Public Health, all responded to the consultation with no comments.
- 7 The Licensing Authority received 15 letters of representation from 'other persons'. Mr Carr revised his premises licence application and requested this information be circulated to all representees outlining his position via email. This information was forwarded to all relevant parties and seven responses were received in relation to the amended application form. None of the residents withdrew their representation.

### **Recommendation(s)**

- 8 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 9 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 8.
  - (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 9.

### **Background**

- 10 Background information

Applicant	<b>The Three Counties Brewery Limited</b> <b>Mr Kevin Carr</b>	
Type of Application: <b>New premises licence</b>	Date received: <b>5<sup>th</sup> March 2019</b>	Consultation ended: <b>2<sup>nd</sup> April 2019</b>

## Details of the application

- 11 An application for the grant of a premises licence was received by the Licensing Authority on 5<sup>th</sup> March 2019. The applicant revised the application on 1<sup>st</sup> April 2019 reducing the proposed licensable activities. The application form and subsequent email from Mr Carr in relation to the revised application together with a document to support the premises licence application are attached as Appendix 3.
- 12 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 13 The licensable activities requested are as follows:

Proposed Licensable Activities	Days & Hours
Sale by Retail of Alcohol (on & off sales)	Monday to Sunday: 09:00 hrs to 23:00 hrs  Bank Holiday weekends (Friday, Saturday and Sunday) until 23:30 hrs and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
REVISED Licensable Activities	Sale of alcohol 'on' sales Fridays and Saturdays 17:30 hrs - 21:00 hrs Sale of alcohol 'off' sales Fridays and Saturdays 12:30 hrs - 21:00 hrs
Proposed Public Opening Times	The new proposed opening hours are  Fridays and Saturdays 12:30 hrs until 21:30 hrs

- 14 The applicant has proposed conditions and the steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application form.
- 15 For Member's information – Durham Constabulary mediated with the applicant and additional conditions were agreed. A copy of these conditions are attached at Appendix 4.

## The Representations

- 17 The Licensing Authority received fifteen representations during the consultation period, from local residents (other persons).

18 The Licensing Authority deemed the representations as relevant, relating to the following licensing objectives:

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

A copy of the representations and responses in relation to the revised application are attached as Appendix 5.

19 A copy of the response from the Planning Department is attached as Appendix 6.

20 Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the application:

- Durham County Council Environmental Health Department
- Durham Local Safeguarding Children Board
- Durham County Council Public Health Department

Copies of these responses are attached at Appendix 7.

## **The Parties**

21 The Parties to the hearing will be:

- The Three Counties Brewery Limited - Mr Kevin Carr (Applicant)
- Mrs Arkley-Bond (Other Person)
- Mrs Clement (Other Person)
- Mrs Grant (Other Person)
- Mr Hanby (Other Person)
- Mrs Mitchell (Other Person)
- Miss Mitchell & Mr Mitchell (Other Persons) – 2 videos clips
- Mrs Loughran-Hanby (Other Person)
- Mr & Mrs D Sumner (Other Persons)

- Mr M Sumner (Other Person)
- Mr Sutherland (Other Person)
- Ms C Naseby (Other Person)
- Ms C Naseby (Other Person)
- Mr & Mrs White (Other Persons)
- Ms Wilkinson (Other Person)
- Mr & Mrs Worley (Other Persons)

## **Options**

22 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*

23 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*

24 The premises licence application was subject to a 28 day consultation.

See Appendix 1

## **Conclusion**

- 25 The Sub-Committee is asked to determine the application for the grant of a premises licence in light of the representations 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
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**Contact:** Karen Robson

Tel: 03000 265104

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## **Appendix 1: Implications**

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### **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.

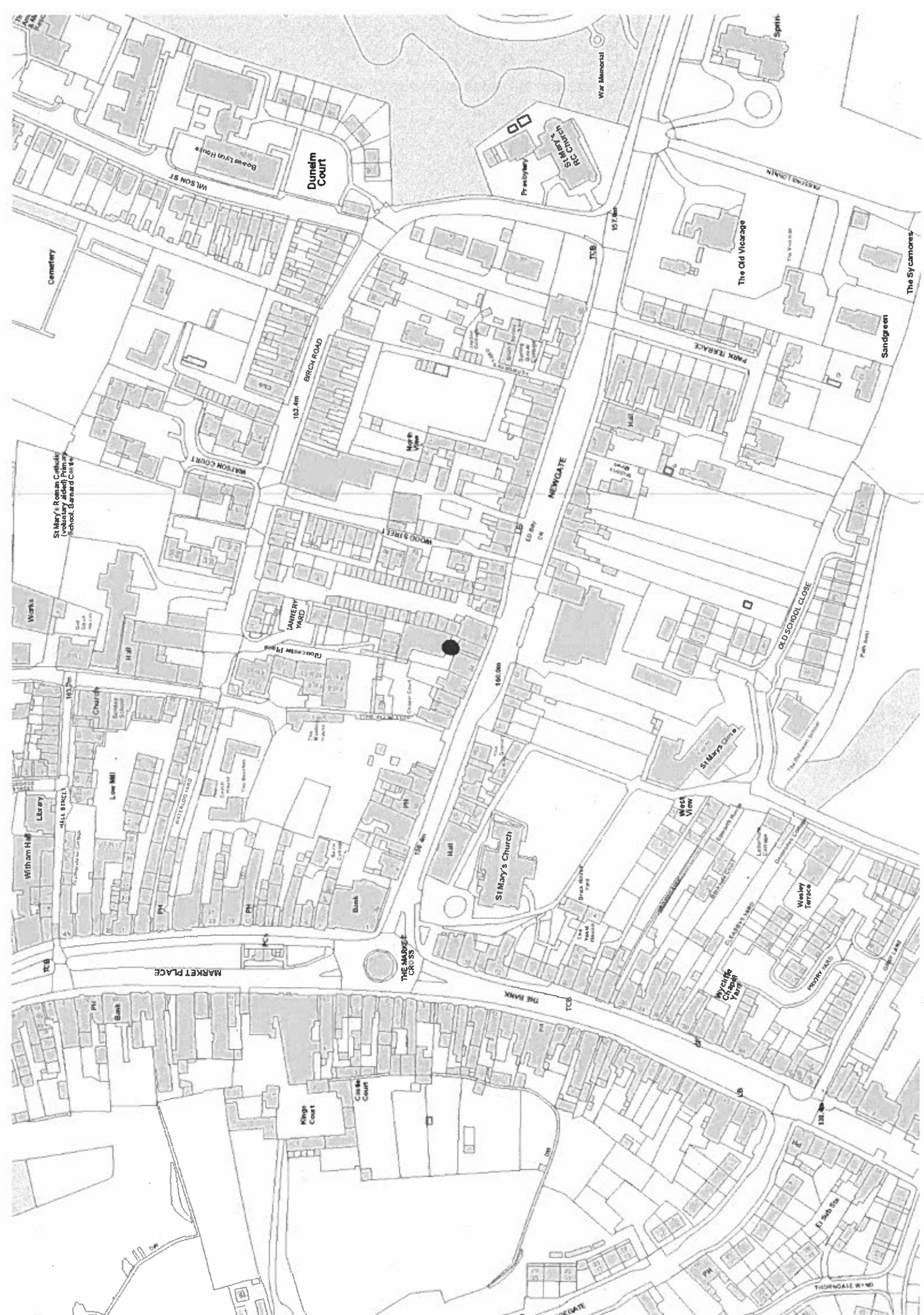
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## Appendix 2: Location Plan

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## **Appendix 3: Premises Licence Application & Revised Application**

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**County Durham**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@durham.gov.uk](mailto:licensing@durham.gov.uk)  
Telephone: 03000 261016

\* 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

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

Kevin

\* Family name

Carr

\* 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:

- ☒ 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant 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

The Three Counties Brewery Ltd

If your business is registered, use its registered name.

VAT number

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

Legal status

Private Limited Company

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**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

The Three Counties Brewery Ltd

**Details**

Registered number (where applicable)

/

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

Continued from previous page...

Director

**Address**

Building number or name

Street

District

City or town

County or administrative are

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

Add another applicant

**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.

The proposal is to licence a Bottle shop and Tap Room / Tasting Area for associated Microbrewery. The Tap Room adjoins the Microbrewery and will include tables and seating in the yard itself. The bottle shop is a separate building in the yard. It is hoped to operate the Bottle Shop immediately with the Tap Room coming into operation later in the summer. We envisage normal operating hours to be until 21:00 with special events and tasting evenings subject to demand.

*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

#### **Section 11 of 21**

##### **PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

☐ Yes ☒ No

#### **Section 12 of 21**

##### **PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

**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

**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

**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

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...

SUNDAY

Start 09:00

End 23:00

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.

State any seasonal variations

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

Non-standard hours on Bank Holiday weekends: Friday, Saturday and Sunday extended by 30 minutes.

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.

New Year as per The Regulatory Reform (Special Occasions Licensing) Order 2002.

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

Name

First name

Kevin

Family name

Carr

Date of birth

dd

mm

yyyy

*Continued from previous page...*

**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?

- ☐ 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.

No adult entertainment.

**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.

Continued from previous page...

**TUESDAY**

Start 09:00

End 23:30

Start

End

**WEDNESDAY**

Start 09:00

End 23:30

Start

End

**THURSDAY**

Start 09:00

End 23:30

Start

End

**FRIDAY**

Start 09:00

End 23:30

Start

End

**SATURDAY**

Start 09:00

End 23:30

Start

End

**SUNDAY**

Start 09:00

End 23:30

Start

End

State any seasonal variations

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

Non-standard hours on Bank Holiday weekends: Friday, Saturday and Sunday extended by 30 minutes.

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.

New Years as per The Regulatory Reform (Special Occasions Licensing) Order 2002.

**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)

*Continued from previous page...*

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

We will operate "Challenge 25" and implement strong management controls e/and effective training of all staff to support these objectives with particular attention to:

- a/ no selling of alcohol to underage people
- b/ no drunk and disorderly behavior on the premises area
- c/ vigilance in preventing the use and sale of illegal drugs by customers
- d/ no violent and anti-social behaviour
- e/ staff training records

CCTV system installed recording for 28 days minimum.

**b) The prevention of crime and disorder**

CCTV will be installed in both the Tap Room and Yard.

An incident book will be maintained for issues and refused alcohol sales. The incident book will be kept on the premises at all times.

The management will utilize the right to refuse entry to any unsuitable customers.

**c) Public safety**

The licence holder or people authorised by them will check the premises before it opens to the public to ensure there are no risks to patrons and that all safety precautions are in place.

The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.

The licence holder will provide adequate lighting at the premises and fire exits will have emergency lighting.

**d) The prevention of public nuisance**

The licence holder will provide a prominent sign requesting patrons leave quietly.

**e) The protection of children from harm**

A challenge 25 policy and restrictions on the admission of children after 21:00 to the premises will be displayed at the entrance.

**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:
  - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
  - 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.
  - 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.
  - 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.
  - 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:
  - 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.
  - 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.
  - 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](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](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](http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4040.aspx)

\* Fee amount (£)

### DECLARATION

[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

Dr Kevin Charles Carr

\* Capacity

Applicant

Continued from previous page...

\* Date

<input type="text"/>	<input type="text"/>	<input type="text"/>
dd	mm	yyyy

Add another signatory

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**

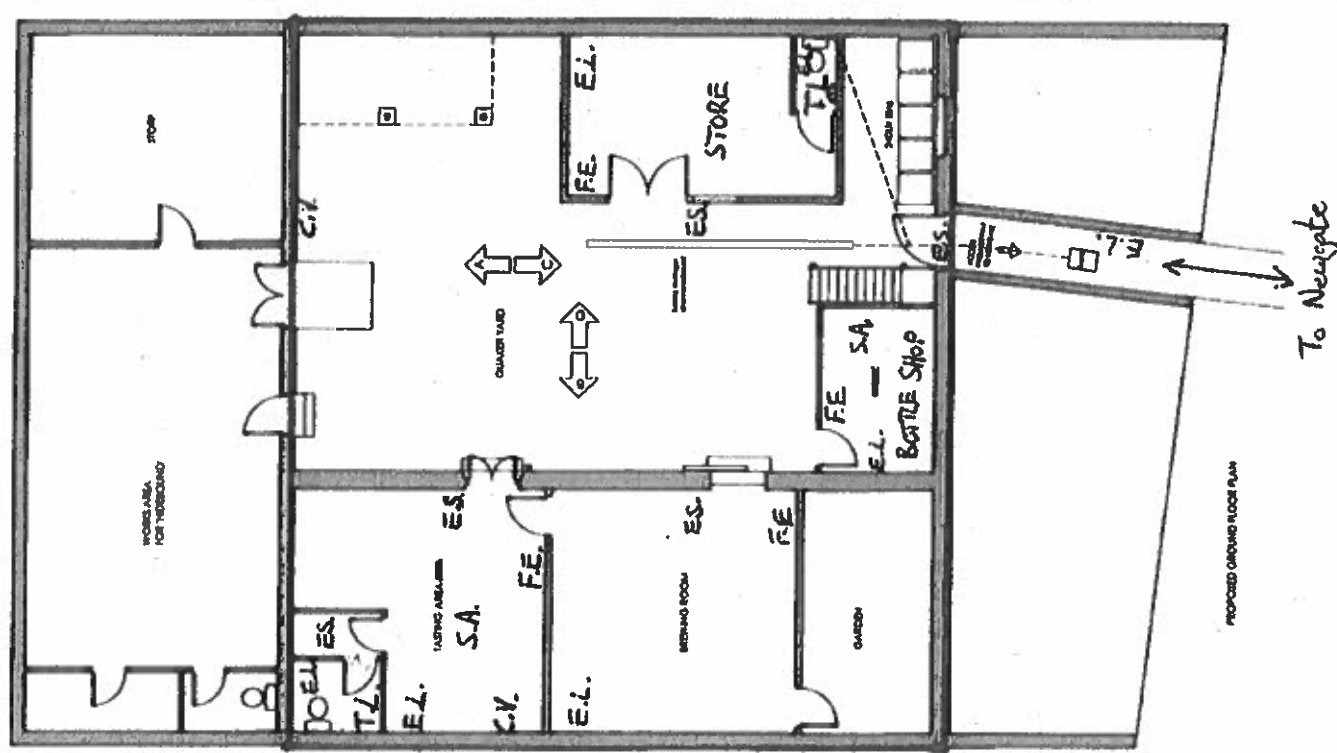
**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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**

**OFFICE USE ONLY**


Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next >

Barnard Castle Brewery  
 Premises Licence Application  
 Ref. 3CBL/PREM/LICAPP/19/01



Key:  
 F.E. = Fire Extinguisher  
 C.V. = CCTV  
 T.L. = Toilet  
 E.S. = Emergency Exit Sign  
 E.L. = Emergency Lighting  
 S.A. = Smoke Alarm

 = Area to be Licensed

1. The premises are used for the purpose of the business of a brewery.

2. The premises are used for the purpose of the business of a brewery.

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Wardman Brown

CLERK: [ ]  
 PROJECT: [ ]  
 DRAWING: [ ]  
 SCALE: 1:1000  
 DATE: 2019/01/01  
 DRAWING NO: 0017002-000  
 A

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**From:** Kevin Carr <  
**Sent:** 01 April 2019 11:10  
**To:** Helen Johnson - Licensing Team Leader (N'hoods); Karen Robson  
**Cc:** Susan Gallimore; Amy Williamson;  
**Subject:** Re: New premises licence application - Barnard Castle Brewery

Hello Helen / Karen,

Thank you again for your recent advice and assistance with our premises licence application. I have tried on several occasions without success to contact Susan Gallimore from your Nuisance Action Team to discuss the suggestions she has made, but I understand that for her to take into account any revisions, we only have until midday 1st April to submit them.

As I explained during our telephone conversation, the intention of the brewery was to have a small outlet with limited opening hours to help promote our products and brand. The advice we received before putting in the application was to cover all eventualities by applying for all opening hours we thought we might need, although it was never our intention to use them all on a regular basis. As this has been misunderstood by a small number of our neighbours, in order to alleviate their concerns we have decided to amend our application to directly reflect the hours we wish to open on a regular basis. These are:

*The sale of alcohol for consumption off the premises: Fridays and Saturdays 12:30 to 21:00;*

*The sale of alcohol for consumption on the premises: Fridays and Saturdays 17:30 to 21:00;*

*We will open for these purposes at 12:30 and close at 21:30 Fridays and Saturdays only;*

*We will now apply for Temporary Event Notices for any special events on other days or which require extensions to these hours.*

*There is to be no smoking or vaping anywhere on the premises.*

As can be seen from the application plan, the tasting area is separated from the adjoining flat on Newgate by the brewing room and small garden. This should prevent much of any noise generated in the tasting area from reaching the adjacent neighbouring property.

As for the use of the yard, by changing the hours when tasting will take place on the premises, we will be reducing the proposed yard use by about 90%. The impact will be reduced further if you take into consideration that people will not be inclined to sit outside either in the dark, when it is cold or when it is raining. We feel that the management conditions suggested by the police along with the nature of our target customer base (please see further information below), should be sufficient to control noise and behaviour on the premises.

With regard to noise from people entering and leaving the premises through the alleyway, this is no different from people walking past any front door located on any street anywhere. The entrance to the flats, as I understand it, is from other doors in a lobby located behind the door in the alleyway. No residence areas are therefore immediately behind the door in the alleyway.

From a Planning perspective, the main customer base for the brewery will remain its wholesale sales to pubs and shops and we feel that by only opening two days a week this limited activity is ancillary to our primary manufacturing use of the site and does not constitute a material change of use. We will continue to liaise with our landlord regarding any listed building consents you identify, including the acceptable type of door required for the tasting room.

As our application is to be determined by committee, we also wish to make the following points in support of our application:

A) That we intend to employ 2 local young people. That we are currently working with Bishop Auckland College to identify appropriate training. That it is our intention to ensure that the candidates will, under our supervision and support, become highly skilled workers with valuable, transferable skills.

B) That the Tap/Tasting Room will be a unique venue which hits the current zeitgeist for artisan beer producers, this will inevitably be a popular destination for customers looking for this experience. The target group are older more mature customers who want to enjoy the beer and its provenance (we trade as Barnard Castle Brewing Co). This will be a draw for CAMRA members and special interest beer drinkers. This has been proved by small venue beer producers such as Caps Off in Bishop Auckland and McColls in Evenwood. This will also benefit the other Ale Houses in Barnard Castle who have a good reputation for serving Artisan Beers, such as The Firkin Alley and The Old Well. For this reason, we feel the development of the Tasting Room will be an asset to Barnard Castles early evening economy and reputation as a destination for those looking for quality.

C) We are currently working in association with other businesses in Barnard Castle to improve the early evening offer for the growing holiday trade, especially following the recent success of Kynren and the anticipated extension of Locomotion in Shildon. In Barnard Castle we have the established hotel and B&B trade which is lacking in the locality. In order to make the accommodation attractive to would be holiday makers, Barnard Castle needs to offer a variety of pubs and restaurants. The Tasting Room will be a valuable addition. The current cohort of pubs are very similar, catering to a very male environment. The Tasting Room will offer a comfortable space where families and lone Women will feel welcome. Since it opens early in the evening it encourage the option of remaining in Barnard Castle after 5pm. The venue will be homely and safe offer, in the cafe tradition.

Retention of trade in the early evening is vital to assist in the improvement of the Night time economy in Barnard Castle.

The Tasting Room will be closed by 9.30pm, coinciding with the time when the bars and restaurants are open and ready for business.

D) Barnard Castle is an attractive Georgian Market Town which has changed little over the centuries. The majority of the Pubs and Restaurants in the Town are closely neighboured by homes. This is a feature of the Town.

The Firkin Alley. Twelve Bar Blues, (now closed), The Bluebell, The Black Horse, The Commercial, The Old Well and The Cricketers Arms are all in the immediate vicinity of residential buildings. The licensed properties mentioned all have opening hours from 6-11pm. Some are open all day.

The Tasting Room will open on Friday and Saturday evenings from 5.30pm till 9.30pm.

We understand that some of the residents on Newgate have been approached to sign a petition to stop the development.

We are confident that once the opening times have been made clear it will reduce anxiety within the residents on Newgate.

Given the precedent of close residential neighbours for most of the Pubs in Barnard Castle (including Capri Pizza across the road on Newgate, licensed 12-10 Mon - Sun), we hope that this will not be an obstacle to our development.

E) In the current difficult trading climate and referring to similar business models it is obvious that our business will be severely affected by not having the opportunity to showcase our products in the Tasting Room. The majority of our concern is to brew beer but it is essential in these times to offer the experience of The Tasting Room. Many studies and lots of anecdotal evidence suggest that the trend on the High Street is less retail and more experience. Without this element we feel we will be seriously disadvantaged.

We hope these amendments will be enough to allay any concerns and enable the Council to grant our Premises Licence application, but should you require any further information, please feel free to contact me.

Best regards,

Dr Kevin Carr  
Director - The Three Counties Brewery Ltd (Trading as Barnard Castle Brewing Co).

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**From:** Barnard Castle Brewing Co. <barnardcastlebrewingco@btinternet.com>  
**Sent:** 17 April 2019 23:11  
**To:** Karen Robson  
**Cc:** Kevin Carr  
**Subject:** RE: Hearing Scheduled - Barnard Castle Brewery - Premises Licence Application - 30 APRIL 2019  
**Attachments:** BCBC Premises Licence Application.pdf

Hi Karen

Please find attached a document in support of our Premises Licence Application hearing on 30<sup>th</sup> April 2019.

I would be very grateful if you could acknowledge receipt of this email.

Many thanks.  
David

David Snaith  
Director



**BARNARD CASTLE BREWING CO**

Quaker Yard, Rear of 24 Newgate

Barnard Castle DL12 8NG

Tel: 0

Email

**BARNARD CASTLE  
BREWING CO.**



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## A Unique Opportunity for Barnard Castle

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A document in support of our Premises Licence Application

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Barnard Castle Brewing Company  
Quaker Yard  
Rear of 24 Newgate  
Barnard Castle  
DL12 8NG

Phone:

Email:



# Introduction

The following paper outlines the case in support for the Premises Licence application for the Barnard Castle Brewing Company.

The application seeks permission for a Premises Licence to operate an ancillary and de-minimis taproom and shop into existing (Class B2) business premises. With regard to this matter, it is considered that the proposals are “ordinarily incidental” and fall wholly within the dominant brewery use.

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We have applied for a premises licence to operate the following hours:

- *The sale of alcohol for consumption **off** the premises:  
Fridays and Saturdays 12:30 to 21:00;*
- *The sale of alcohol for consumption **on** the premises:  
Fridays and Saturdays 17:30 to 21:00;*

We will open for these purposes at 12:30 and close at 21:30 Fridays and Saturdays only;

# OUR BUSINESS CASE

Barnard Castle Brewing Co. has been operating successfully from its Quaker Yard base (without any complaint or objection) since 2016 and we now supply our beers to a growing number of wholesale outlets throughout the local area.

However, in the current difficult trading climate and referring to similar business models, it is obvious that our business will be severely affected by not having the opportunity to showcase our products to a retail audience in the Tap Room. Taprooms and bottle shops (for the retail sale of beer on site) are ordinary components to be expected within breweries, the overarching purpose of which is the production of beer.

The vast majority of breweries and micro-breweries will incorporate a taproom and sell beer retail to visiting members of the public. These facilities/services allow for staff training and development, tasting sessions and are often the culmination of brewery tours. In this regard, the facilities would provide an important dual function as 'front of house' for the brewery helping to raise brand profile. Taprooms are a necessary and ubiquitous element of a functioning brewery that are considered to fall wholly within the B2 (general industrial) use, on the basis that most competing micro-brewery operations tend to have one.

The majority of our concern is to brew beer but many studies and lots of anecdotal evidence suggest that the trend on the High Street is becoming more and more about experience. Therefore, to survive and grow as a business it is essential in these times to offer the experience of The Tasting Room. The retail sale of beer, although limited in scale in comparison to wholesale to trade, would add an important supplementary revenue stream and is now commonplace in breweries and microbreweries, particularly in urban areas. Without this element we feel we will be seriously disadvantaged.

**However, it's not all about our business. We genuinely also believe that we have something to unique to offer the town.**

Barnard Castle and the surrounding villages are expanding their housing stock. Despite that key workers are failing to move to the area making it difficult to recruit doctors, associate clinicians, teachers, Police Officers etc in the number required to fill the vacancies that have arisen.

In order to attract potential residents to move to our area, the town has to be vibrant and attractive. The number of independent businesses in Barnard Castle is often featured in job adverts and house particulars.

**Barnard Castle Brewing Co. will inevitably contribute to the vibrancy of our economic and social centre and the following pages explore this further.**

# THE OPPORTUNITY

The **Barnard Castle Development Framework** states that in order for Barnard Castle to strengthen its role as a visitor destination, one of its strategic priorities is to *“Enhance the existing visitor attractions and develop new ones where markets can be identified”*

We believe that the granting of the Premises Licence would do exactly that.

- It would introduce something new and unique to the town of Barnard Castle. For the first time in hundreds of years the town would have its own brewery where not only could you see local beer being brewed but would also be able to experience the end-product.
- The bottle sales will also allow the visitors to take “a little piece of Barnard Castle” home with them and help promote the town to a wider demographic (all of our bottles are prominently branded as the Barnard Castle Brewing Co.).
- The Brewery Tap/Tasting Room will be a unique venue which hits the current zeitgeist for independent artisan beer producers, clearly demonstrating local provenance in action and this will inevitably be a popular destination for customers looking for this experience.

## TOURISM

The **Barnard Castle Development Framework** also states that *“One of the key challenges facing Barnard Castle town centre is the relationship between the town centre and The Bowes Museum. There is a perception that there is a disconnection between Bowes Museum and the town.”*

Our brewery is located centrally between Bowes Museum and the Barnard Castle commercial centre and we believe that brewery would provide an additional “pull” to Bowes Museum visitors for visiting the town centre (and vice versa). Indeed, our target customer is primarily the tourist trade passing between the two (together with local real ale connoisseurs) looking to enjoy freshly brewed cask beer in a relaxed and non-threatening environment.

In addition, our Tap Room will:

- Stock leaflets and other promotional material directing tourists to other local amenities in the town and promoting further attractions in the surrounding area.
- In Barnard Castle we have the established hotel and B&B trade which is lacking in the locality. In order to make the accommodation attractive to would-be holiday makers, Barnard Castle needs to offer a variety of experiences. The Tap Room will be a valuable and unique addition.

## EARLY EVENING ECONOMY

***Retention of trade in the early evening is vital to assist in the improvement of the Night time economy in Barnard Castle.***

- We are currently working in association with other businesses in Barnard Castle to improve the early evening offer for the growing holiday trade, especially following the recent success of Kynren and the anticipated extension of Locomotion in Shildon.
- Since the Tap Room opens early in the evening it encourages the option of remaining in Barnard Castle after 5pm and as The Tap Room will be closed by 9.30pm, it coincides with the time when the bars and restaurants are open and ready for business.

## DIVERSITY OF OFFERING

***The current cohort of pubs in Barnard Castle are very similar, catering to a very male environment.***

- The Tap Room will offer a comfortable space where families and lone women will feel welcome. The venue will be a homely and safe offer, in the cafe tradition.
- We encourage older more mature customers who want to enjoy locally beer and its provenance (we actively trade as **Barnard Castle Brewing Co**)
- We are looking to provide a niche service rather than mass-market so do not anticipate attracting the numbers and demographic of traditional pubs.

## EMPLOYMENT

One of the key objectives of **The Market Town Welcome Destination Plan for Barnard Castle** is “to encourage existing businesses to continue to invest in their facilities, staff development, services and digital technology; boosting quality and new visitor products in and around Barnard Castle”.

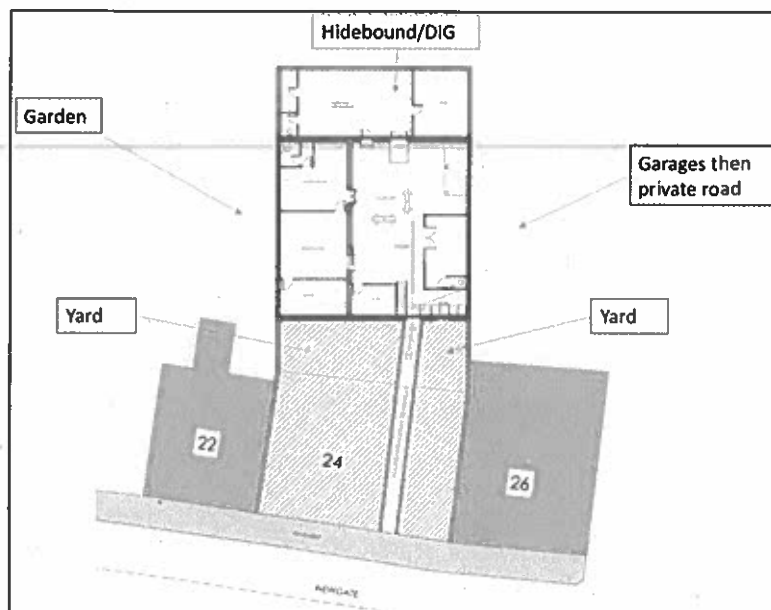
***Granting of a Premises Licence would allow us to meet that objective as follows:***

- The brewery currently has 4 people working on a part-time basis.
- Should we be successful in securing a Premises Licence, we will be looking to employ 2 local young people and exploring options with Bishop Auckland College to identify appropriate opportunities and training.
- It is our intention to ensure that the candidates will, under our supervision and support, become highly skilled workers with valuable, transferable skills in the brewing, hospitality and customer relations fields.
- We are fully aware of the planning constraints at our current location. Hopefully this project will allow our business to grow so we can look for larger premises within Barnard Castle and enable us to employ more local people

# THE PREMISES – Quaker Yard

Records indicate that brewing first took place in Quaker Yard as far back the 18<sup>th</sup> century. Since then the premises at the rear of Newgate has been home at various times to businesses such as an Auction Room (which was open until 10:30pm) and a Laundry (employing 15 – 20 people) and so has a long history of commercial use.

Quaker Yard itself is surrounded on all sides by 12ft high walls and does not **directly** adjoin any residential building.



The Brew Room and proposed Tap Room occupy the west side of the yard and immediately to the west of that is a garden.

On the east side the yard is bordered by garages and then a private road.

The front of the yard is separated from residences by small yard areas.

The rear of the yard currently home to an additional 2 businesses:

**Hidebound** – a traditional, leather craft workshop specialising in leather drinking vessels.

**DIG** – An archaeological research organisation (who also occupy one of the premises adjoining the yard alleyway and use as an office).

Both of the above organisations are supportive of our plans for the brewery and have no objections to our licence application. Moreover, we are actively engaging with these and other local businesses to ensure a joined-up approach to promoting tourism – something that is only possible with a Premises Licence.

(see Appendix 3)

# PRECEDENCE

Barnard Castle is an attractive Georgian Market Town which has changed little over the centuries.

**The majority of the Pubs and Restaurants in the Town are closely neighboured by homes. This is a feature of the Town.**

Therefore, in terms of precedence we would like to highlight the following:

- **The Firkin Alley. Twelve Bar Blues, (now closed), Jungle Wine Bar Nightclub, The Bluebell, The Black Horse, The Commercial, The Old Well and The Cricketers Arms** are all in the immediate vicinity of residential buildings.

The licensed properties mentioned have extensive opening hours. **Some are open all day.**

- **Firkin Alley** in particular occupies a similar alleyway-style site but with residential homes in greater numbers and in greater proximity to our premises than in Quaker Yard. **Open 4.30pm to 11.30pm Monday – Sunday**
- **Jungle Wine Bar nightclub** is also in a residential area and has flats directly attached to their premises. **Jungle is open Friday & Saturday 11pm to 4am**
- **In Newgate** itself there is also an existing restaurant business across the road (**Capri Pizzeria**) who are licensed **12-10pm Monday – Sunday**

**By contrast our Tap Room will only open on Friday and Saturday evenings from 5.30pm till 9.30pm.**

Given the precedent of close residential neighbours for most of the Pubs in Barnard Castle we feel it would be unfair to disallow our licence application which is on a far smaller scale than the above.

**(see Appendix 2 for further details)**

# Response To Objections

In preparing our response to the objections we note the following:

- 5 of the objections are duplicated by members of the same family (Mitchell; Loughran Hanby; Sumner; Naseby)
- 3 of the objectors do not live in the vicinity of the brewery or in some cases do not live in Barnard Castle at all (Wilkinson; White; Sumner)
- 5 of the objections centre on noise/nuisance from late night opening which is no longer applicable (Sutherland; Grant; Worley; Arkley Bond; Naseby)

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Whilst we are sensitive the concerns of local residents, **we feel that the majority of concerns are based on out-of-date information concerning our opening hours.**

Our original licence application detailed 9am-11.30pm opening hours as this was what we were advised to apply for - to accommodate any one-off events - despite us never having any intention of opening anything like those hours.

After hearing of the concerns of local residents and taking further advice we amended our plans to only include the core hours that we actually intend to open. Essentially this means that our Tap Room will only be open for on-site consumption for 3.5 hours a day, twice a week.

Our premises application outlines how we propose to meet the licensing objectives.

**It is worth noting that our revised application has received no objections from Environmental Health and we are happy to work to the conditions imposed by the Police. The Fire Service were also consulted prior to our application and raised no objections.**

In the light of the revised limited opening hours and our proposed mitigation measures we fundamentally believe resident concerns to be unfounded. The proposed mitigation measures and controls to prevent significant adverse impacts arising from these sources are set out in the following pages.

It is also worth noting that the objectors by no means speak for all of the residents in the vicinity of the brewery and **Appendix 3** details some examples of the support we have received.

OBJECTION	RESPONSE
<b>Noise</b>	<ul style="list-style-type: none"> <li>• Notices will be displayed prominently in the courtyard requesting patrons to respect the needs of local residents and use the area quietly</li> <li>• Within the taproom, background music will be allowed but with a volume strictly controlled by Management. Music will end at 21:00 each night</li> <li>• The transfer of glass waste between bins will occur internally during normal working hours so as not to cause noise and disturbance to neighbours. It should be noted that the large majority of beer sold on site will be draft from taps, so glass waste from the taproom will be negligible</li> <li>• The Tap Room itself is separated from number 24 by the brew room and garden. 12ft high walls would act as an acoustic barrier for the yard and provide screening and noise mitigation</li> </ul>
<b>Nuisance</b>	<ul style="list-style-type: none"> <li>• Objections pertaining to late night nuisance are no longer applicable due to our revised opening times. Please also see our original response to the licensing objectives and the police conditions</li> <li>• The taproom and courtyard are proposed to be open during limited trading hours Friday &amp; Saturday. During this time, visitor numbers would be strictly controlled by management staff to ensure compliance with Fire Officer recommendations</li> <li>• Use of the yard is light and weather dependent and is unlikely to be used every week. The use of the external seating area within the courtyard will cease at 21.00, in accordance with the operating licence</li> <li>• Our promotional activities, premium pricing and limited product range are designed to ensure that the demographic of our intended clients is "niche" and not "mass market"</li> <li>• Our premises will operate the Challenge 25 scheme. As part of the scheme we will maintain a register of refusals and incident log</li> <li>• We already operate a CCTV system in the yard and this will be extended to include the Tap Room</li> </ul>
<b>Smoking</b>	<ul style="list-style-type: none"> <li>• We will display prominent signage that there is no smoking on the premises, in the passageway or in the vicinity on street</li> <li>• We will conduct periodic checks to ensure this is complied with</li> </ul>
<b>Litter</b>	<ul style="list-style-type: none"> <li>• The Brewery will operate a Pre &amp; Post Opening Checklist which will include housekeeping activities ensuring the collection and disposal of litter including the passageway and public way to the front of the premises</li> </ul>



**Parking &  
Traffic**

**(also see  
Appendix 1)**

- Queen Street public Car Park is only 10 metres away from the brewery entrance. This has space for 65 vehicles and is free from 6pm.
- As the main consumable for the Tap Room will be our own beer. We do not anticipate deliveries to increase in any way
- Such deliveries as there will be will take place during normal working hours

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## SUMMARY

As we trade as the *"Barnard Castle Brewing Co."* provenance is an important part of our ethos and marketing. It is essential therefore that we have an outlet at the point of production where we can emphasise the artisan nature of our products whilst providing an experience which will be unique in Barnard Castle.

**In summary** – we would like to make the following point that we are not "big business".

We aren't a pub chain or fast-food outlet.

We are simply a small, local, family-run brewery attempting to showcase our wares in a very limited, low-key way.

The very limited hours that we are seeking to open demonstrate this:

- *OFF sales: Fridays and Saturdays 12:30 to 21:00;*
- *ON sales: Fridays and Saturdays 17:30 to 21:00;*

And we are confident that this, together with the mitigating actions we have outlined, illustrate that granting of a Premises Licence would benefit the town of Barnard Castle without detriment to the neighbouring residents.

Thank you for your consideration.

# Appendix 1 – Parking/Traffic/Deliveries

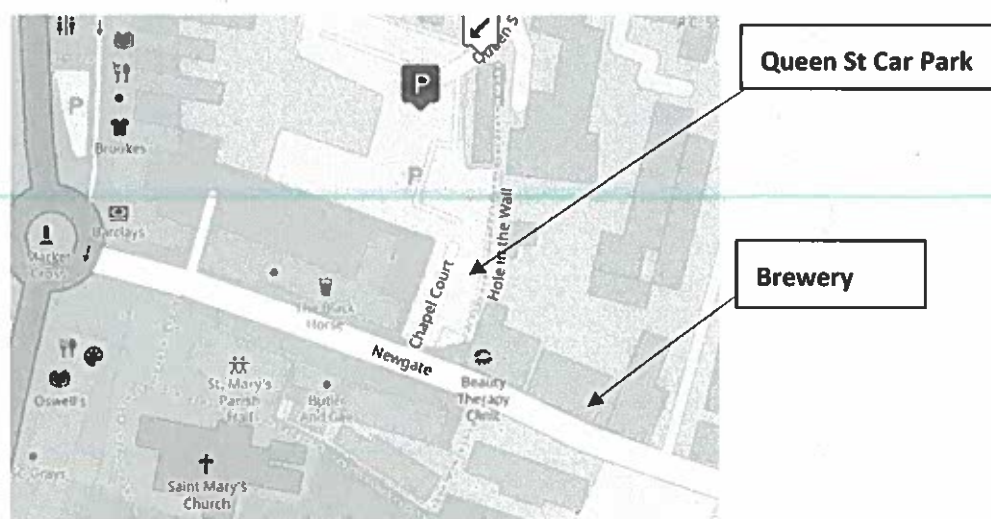
## PARKING

It should be noted that Newgate is a public road and there is no right to private parking.

Even so we do not believe that parking is a significant issue. Queen Street public Car Park is only 10 metres away from the brewery entrance. This has space for 65 vehicles and is free from 6pm.

It is highly likely that tourists would either park at Queen Street or would have already parked somewhere else in the town.

Local customers/tourists staying in Barnard Castle are just as likely to visit on foot



## TRAFFIC/DELIVERIES

This photo was submitted by C Mitchell to support their objection. In our view this simply shows Newgate Road under normal use and does not have any specific bearing on the licence objection.

C Mitchell also states that there was “a lorry making a delivery into Quaker Yard which was double parked” but does not provide any evidence of this. Moreover, the brewery has not had any deliveries during the period described and we would suggest that the lorry was just as likely to be delivering goods in connection with the building work currently being carried out by Mr Mitchell in number 24.



In general, the opening of the Tap room is unlikely to increase commercial traffic as all of our main consumables (i.e. the beer) would be brewed ourselves and therefore shipped internally from one room to another. Other consumables used in the Tap Room are likely to be acquired by brewery staff themselves and therefore not subject to deliveries.

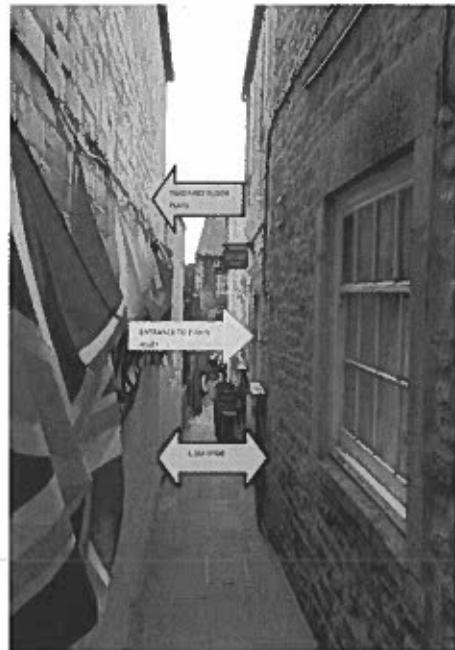
## Appendix 2 – Precedent

### FIRKIN ALLEY

20 Horsemarket

Open 4.30pm to 11.30pm Monday – Sunday

Situated down narrow alleyway and surrounded by residences



### JUNGLE – Wine Bar and Nightclub

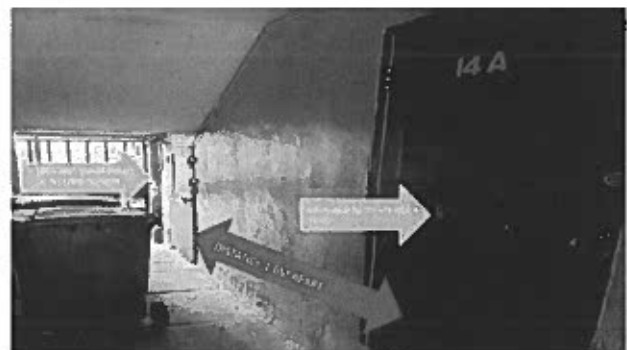
14 Horsemarket

Open 11pm to 4am Monday – Sunday

Situated down narrow alleyway and surrounded by residences.

Capacity 200

Beer Garden



Barnard Castle Brewery submitted 4 letters of 'Expressions of Support' within the document to support the Premises Licence Application. This document was received on the day of the report deadline. Therefore these have been removed and the Licensing Authority will validate these documents and update members before or at the committee hearing.

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## Appendix 4 – Case Study

### Helmsley Brewery Tap

Microbreweries are one of the business success stories of the last 10 years and have become an almost ubiquitous feature in towns and cities. **Almost without exception they come with a tap room and bottle shop as an integral part of the business.**

As a case study of how Microbreweries with Tap Rooms add value to a location, we would like to offer the case of Helmsley Brewing Company.

The Helmsley Brewery's circumstances are strikingly similar to our own.

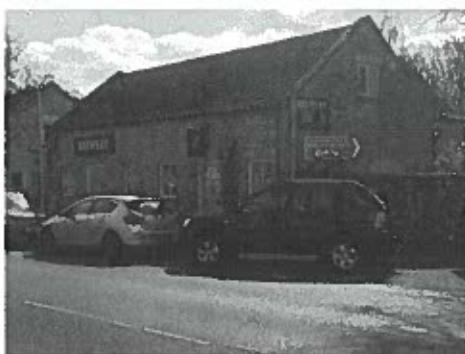
- They are located in the centre of a market town
- They are housed within traditional buildings
- They are located on a main street (the A170 Bridge St which runs north-south through the town) and in fact is positioned at the junction of 2 busy roads
- They have a yard which is overlooked by residential properties and operate a Tap Room from the premises

In contrast to ourselves, Helmsley Brewery operate significantly longer opening hours. Despite this Helmsley Brewery enjoys considerable local support and features prominently on the local visitor/amenity websites.

They are heralded as an example of a local, artisan producer and an integral part of the Helmsley retail offering.

In addition, their position to the south of the main shopping area has provided a “draw” which has helped extend the footfall to an under-visited part of the town and has increased tourist activity to nearby businesses.

**We see the Barnard Castle Brewing Co Tap Room and Bottle Shop as engendering similar benefits.**



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## **Appendix 4: Applicant's amendments following mediation with Durham Constabulary**

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Dear Helen,

Thank you for relaying the conditions proposed by the Police. Having spoken to my fellow Directors at the brewery we are happy for our application to be amended to include these conditions.

Best regards,

Kevin Carr

The Three Counties Brewery Ltd (trading as Barnard Castle Brewery).

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**From:** Licensing Team Leader (N'hoods) <  
**Sent:** 22 March 2019 13:16  
**To:**  
**Subject:** New premises licence application - Barnard Castle Brewery

Dear Mr Carr

---

Following our telephone conversation please see below a number of conditions proposed by the Police which they would like to see as part of the operating schedule on the application.

- All staff shall be fully trained to perform their role. They will also be trained in the contents of the premise licence including times of operation, licensable activities and all conditions. Such training will be recorded in a register. The register will be made available to the Police or an authorised officer of the council upon request.
- The premise shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.
- The premise shall maintain an incident book, which shall be made available to the Police and authorised officers of the local authority upon request.
- A CCTV system will be installed and in operation at all times the premises are being used for licensable activity and for two hours after. It must be operated by properly trained staff.
- Recording will be retained for a minimum of 28 days.



- The premise will ensure that at least one trained member of staff is available to operate the system at all times the premise is open and download any images requested by an authorised officer and provided within 7 days.
- The requirement for door staff will be risk assessed by management.

If you are happy with the above conditions please can you respond to this email stating you wish to amend the application to include the above conditions.

Kind regards

**Helen Johnson**  
**Licensing Team Leader**  
Environment, Health and Consumer Protection  
Regeneration and Local Services  
Durham County Council  
Annand House  
Meadowfield  
Durham  
DH7 8RS

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## **Appendix 5: Representations & Responses following Revised Application**

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**From:** y Arkley  
**Sent:** 02 April 2019 10:56  
**To:** AHS Licensing  
**Subject:** Quaker Yard 24 Newgate Barnard Castle.  
**Attachments:** 24 newgate objection letter. .docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:**

To whom it may concern

I have attached my letter of objection regarding the above property and license application.

Sincerely

Y Arkley-Bond

---

Newgate,  
Barnard Castle,  
Co Durham,  
DL12 8NQ.  
31/3/2019

To Whom It May Concern,

RE: Quaker Yard 24 Newgate, Application for Licence for the sale of Alcohol on and off the premises.

I am writing to object to the above application on the Grounds of the following.

- **The prevention of public nuisance.** My family and I live opposite the premises concerned. I understand the bar area is very small which would mean that patrons will most likely sit in the large courtyard. This courtyard has the capacity to hold a lot of people. Although it is fairly hidden from view it is surrounded by high walls which will cause noise to resonate to the properties adjacent and opposite the building. My property is a listed building and we have single glazing which doesn't block noise. We already struggle with noise from traffic and the pub and Pizzeria on the street.

I understand there will be a no smoking policy with in the building which will mean smokers will gather at the front of the property thus causing more nuisance.

- **The protection of children from harm.** I am concerned for my young family and the disturbance to our family life due to the noise and nuisance. Disturbing their sleep which will have an impact on their ability to function at school etc. The proposed opening hours are 9 am to 23.30 weekend and 9 am to 23.00 weekdays.
- **Public Safety.** The road is very busy with many parked cars. There have been accident and one as recent as last month. The increase of traffic parked cars etc swill only add to this problem for residents. There is also risk of accidents with patrons leaving the premises and crossing the road.
- **The prevention of crime and disorder.** With the sale of Alcohol comes the risk of crime and disorder. This is a residential area and there are enough licenced premises in the town.

I hope you consider my objections.

Yours Sincerely

Y      Arkley-Bond.

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**From:** M Clement  
**Sent:** 22 March 2019 22:40  
**To:** AHS Licensing  
**Subject:** Public licence for of alcohol on & off the premises

The Barnard castle brewery, quaker yard ,rear of of 24 Newgate, Barnard castle dl128ng. I live in tannery yard and this is going to open the court yard is just at the back of me I am opposing this because of the noise in the court yard. If this goes ahead it will be a big public nuisance to people that live in tannery yard. So I have a big objection to it happing .

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**From:** S Grant  
**Sent:** 28 March 2019 12:44  
**To:** Karen Robson  
**Subject:** Re: Barnard Castle Brewery, Quaker Yard, DL12 8NG

Dear Karen,

I wish to appeal to you, not to grant permission for a licensed pub to be opened at the above address. My reason for this is that I am the resident who lives in the next property at Newgate, Barnard Castle, Co Durham, DL12 8NG.

You will note from the map enclosed that there is a small yellow area that joins my property.

You will also see that from the two other photos enclosed, that my upstairs bedroom window and downstairs window looks out onto the yellow area on the map.

Therefore you will understand my concern that a retail bar where the public would be coming backwards and forwards at late hours would not be in keeping with the current planning permission granted.

Residential homes surround Quaker Yard, some being old peoples accommodation and these also deserve the respect to maintain a good standard of residential amenity.

Another reason a licensed bar would not be good for me personally, is that there was once a robbery at were the thieves entered through the downstairs window

Please find enclosed photographs and let me know if I have illustrated this well enough

View from Bedroom window into 24 yard.



View from ground floor window into 24 Yard





Please advise if this is sufficient information to support my wishes.

kind regards

S Grant



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**From:** M  
**Sent:** 01 April 2019 09:24  
**To:** AHS Licensing; Pollution Control  
**Subject:** BARNARD CASTLE BREWERY. QUAKER YARD, OFF NEWGATE

I would object to the planning application for the Brewery in Quaker Yard due to the public nuisance that this will create.

To create a facility of this nature, surrounded by residential property on all sides is not acceptable.

There is already a Public House on Newgate less than 100 yards away from the entrance to Quaker Yard.

I already have experience of public nuisance noise from the Rugby Club licensed premises, which is in front of my home. To endorse a similar facility to the rear of my property is not acceptable.

C M Hanby  
wood Street  
Barnard Castle  
DL12 8JS

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**From:** P Loughran-Hanby <  
**Sent:** 01 April 2019 09:38  
**To:** AHS Licensing  
**Cc:** Pollution Control  
**Subject:** Barnard Castle Brewery, Quakers Yard, off Newgate

I object to the planning application for the Brewery in Quakers Yard, off Newgate, Barnard Castle due to the public nuisance that this will cause to all the residents surrounding this facility on all sides. It is totally unacceptable. This nuisance will not only be from the people gathering within the Brewery but from people spilling out onto Newgate directly in front of residential properties to smoke.

---

We know first hand how much noise this creates as we have the Rugby Club in front of us.

P Loughran-Hanby  
Wood Street  
Barnard Castle  
DL12 8JS

C Mitchell

Newgate

Barnard Castle

DL128NG

I would like to oppose the application for a public licence for Barnard Castle Brewery at the rear of 24 Newgate on the grounds of **prevention of public nuisance.**

I live doors from the Black Horse pub at 10 Newgate. I already experience noise & disturbance on Newgate from people visiting the pub and customers standing outside smoking and talking until late.

Granting of this licence on Newgate means that I would then be situated between two licenced premises which would most likely double the associated noise, disturbance & associated problems.

Also, with regard to **public safety**, a new drinking premises is likely to further increase the demand for parking on Newgate, this is already inadequate for the residents. Newgate is a very busy link onto the A66 with a high volume of HGV using the road. There have been quite a number of accidents & near misses with people manoeuvring and parking in the immediate area. (my neighbour had a rather nasty collision last week resulting in his car being written off whilst parking). If the new premises get a licence, the number of people parking to visit the bar or buy bottles to take home will increase the likelihood of further accidents. It is only a matter of time before someone is maimed or killed.

For example, on Friday 22<sup>nd</sup> March 2019 there was an accident on the A66 resulting it being closed for 5 hours, this resulted in nose to tail traffic for 5 hours on Newgate (see photo attached). Also, parking on Newgate adds to the congestion in and out of Barnard Castle which increases the risk to pedestrians (**particularly children**) crossing the road.

There was a delivery from a lorry last Thursday into Quaker Yard, there was no parking as usual and the driver was double parked for 10 minutes causing a dangerous obstruction.

Accidents on the A66 are a regular occurrence resulting in most of the traffic on the A66 being diverted onto Newgate. (please see the report below from the Teesdale Mercury)

I urge the licensing committee to reject the application.

Kind Regards

C Mitchell

News

## A66 closed in both directions after smash

22 Mar 2019



The A66 is shut

POLICE have closed the A66 at Ravensworth in both directions

Highways England says officers are dealing with a serious incident on the road and have been forced to shut the road this morning

There is a queue of traffic estimated 3km long and motorists are being turned away at Scotch Corner. Police say they expect the road to be closed for some time.

A spokesman from Highways England said: "The A66 in North Yorkshire is closed both directions between the A1M and the A67 due to a serious collision involving two vehicles. Emergency services including North Yorkshire Police are in attendance. Traffic is being diverted via local routes at this time. Please allow extra travel time for your journey should you be heading in the area this morning."

A spokesman from Barnard Castle Police said: "Traffic is currently at a standstill in both directions. If you are planning on travelling this route today please use an alternative. This is a safety key to cause congestion around Abbey Bridge and into Barnard Castle."



S Mitchell & K Mitchell

Newgate

Barnard Castle

DL128ng

**OBJECTION TO THE GRANTING OF A PUBLIC LICENCE IN QUAKER YARD REAR OF 24 NEWGATE  
BARNARD CASTLE IN ORDER TO PREVENT A PUBLIC NUISANCE.**

I would like to object to the application for a public licence by Barnard Castle Brewery in Quaker Yard at the rear of my house (24 Newgate) on the grounds that it would create a severe public nuisance to myself and family.

In fact, it would not be an understatement to say that if the licence application is passed it will have a very detrimental impact on the quality of life of anyone living at Newgate.

The main reason for this is the very unusual access route into the Quaker Yard.

The only access to Quaker Yard is through the original front door of 24 Newgate, you walk through the internal passageway of the original house, past the door to the original stairway, past the door into my back yard continue in a straight line and emerge into Quaker Yard where the small brewery is situated. This passageway floor is tiled which amplifies the noise as the sound echoes throughout.

When someone is speaking at anything above moderate volume in the corridor, I can hear their voices from almost anywhere in the house, it feels and sounds as if they are in the house itself, this does not happen very often at present because the residents and people working in the brewery and leather shop are most considerate (and sober).

24 Newgate is a grade 2 listed Georgian house, at some point in the past (long before modern building regulations) the house was divided into 2, the larger left-hand side of the house (mine) had a new front entrance created.

The smaller part of the property became 24a, this is still accessed via the original front door passageway.

I have a full right of way through the passageway but do not own it. This is because at some point in the past, Quaker Yard lost its large main access at the rear.

In order to protect the access to the Quaker Yard the passageway was included in the deeds for the yard. So, although I own half of the wall and half of the ceiling of the passageway, I do not own the passageway itself.

This tiled corridor is 40 inches wide and 50 foot in length, the last 15 foot of corridor is adjacent to my rear yard & constructed of glass with a corrugated asbestos roof.

Because this passageway forms part of the original house my dining room wall & staircase wall adjoin it, also the door into my rear lobby opens into it, as does the door into my back yard. (I have a full right of way through the passageway). Part of the 1<sup>st</sup> floor of my property is also above the passageway.

The wall of my house that forms the corridor wall was constructed as an internal wall and is in places plaster lath construction so offers very little sound insulation

Because the passageway is the central part of the original house, any noise from this corridor easily transmits through into my house, in fact at times it sounds as if voices in the corridor are actually in the house itself!

At present foot traffic through the passageway is quite light & ceases at night time.

The prospect that the creation of a bar in Quaker Yard would vastly increase traffic along the corridor all hours of the day until potentially 11.00PM fills me with dread!

In addition, I have only a small rear yard (15-foot-long) the entire rear wall of the yard is adjacent to Quaker Yard, the side of the yard is defined by a short wall and the side of an old glazed structure.

Quaker Yard is flanked by walls all around and as is the case with courtyards noise here is also amplified.

My family will have to endure excessive noise through the passageway when customers enter, constant noise and disturbance from customers in Quaker Yard steadily rising as they consume alcohol then further noise as they traffic back through the passageway when leaving.

In addition, when people have been drinking alcohol there is a tendency for them to be louder, more boisterous shouting, swearing etc.

I have now been informed that Quaker Yard is to be designated a no-smoking area. This means that smokers will be up and down the passageway to smoke on the pavement near the entrance which is outside of our lounge window & immediately below 2 of my bedrooms (single glazed sash window offering no sound insulation). This means that I would not be able to open these windows when smokers are about without getting the smell of smoke in my rooms.

If there is a wind, the smokers will be lighting up in the passageway, if it is raining, they will retreat into the entrance and smoke, a no smoking sign will not stop this happening.

This of course increases the risk of fire. My back door is not fireproof, also next to the back door I have a smaller door that leads under a storage void under my staircase. Parts of my wall in the passageway are just plaster-lathe.

So, I will have smokers congregating outside of my lounge window, drinkers in various stages of intoxication up and down the passageway, smokers again up and down the passageway between cigarettes, the noise from drinkers in the courtyard (the other side of my back yard).

**OBJECTION TO THE GRANTING OF A PUBLIC LICENCE IN QUAKER YARD REAR OF 24 NEWGATE BARNARD CASTLE ON THE GROUNDS OF PROTECTION OF CHILDREN FROM HARM.**

My 7-year-old Godson often stays with me.

If a child were to exit through the rear door of the house, or the yard, they are likely to encounter people in the corridor at various stages of intoxication, this is unacceptable.

If a child in our rear yard during opening hours they will be just a few feet from Quaker Yard where customers will be drinking.

Their sleep is also likely to be disturbed by the aforementioned noise from the corridor & yard itself.

The house is a listed building and all windows are single glazing.

If I am in the house on my own (especially on an evening) with people under the influence walking up and down the passageway, I will find it unsettling.

**OBJECTION TO THE GRANTING OF A PUBLIC LICENCE IN QUAKER YARD REAR OF 24 NEWGATE BARNARD CASTLE ON THE GROUNDS OF PUBLIC SAFETY.**

The traffic of customers up and down the aforementioned corridor will probably include smokers thus increasing the likelihood of a fire in my property.

Since this narrow 50-foot-long corridor is the sole entrance & exit to the brewery, public safety must surely be compromised if there are groups of people at the brewery under the influence of alcohol.

There is also a likelihood that the dimensions of the corridor would hinder the entrance of emergency services especially if customers are exiting at the same time.

Furthermore, this part of Newgate is a residential area, it has severe parking issues, it is a busy thoroughfare with tractors and HGVs constantly passing through. There is a likelihood that there will be an increase in traffic attempting to manoeuvre and park on Newgate will have an impact on PUBLIC SAFETY. There have been several collisions in the immediate area (in fact, there was one such collision on 12<sup>th</sup> March 2019 just outside my door).

When I bought the house 16 months ago, (with the help of my fathers redundancy money) I knew that the owner of the yard was running a small brewery, the brewery was on the Durham planning portal, at the time no mention of a bar.

---

**I had no idea that I was potentially buying a house that had a bar next door**

**As I understood it a micropub or new bar needs both Planning permission and a premises licence before they serve alcohol**

However, I am worried that there is a loophole with microbreweries that means that they can circumvent the planning element as long as they have the planning for the brewery itself (even though there is no reference to a public bar) by using something called incidental sales.

The brewery directors have e-mailed me to tell me that this is the case and they do not need to apply for a further change of use.

Rather than calling it a public bar or micropub it is termed a "Tap Room" (I am beginning to think of this as a public bar by stealth)

Over the past year the owner of the brewery has been adding to existing structures in the yard, he has installed a second toilet and spruced up the yard. I had suspected that some form of public bar was in the pipeline but each time I asked, I was assured that he was just creating a positive environment for landlords and wholesale purchasers who were to visit the yard and taste the ale prior to purchasing barrels for pubs etc.

I was most alarmed when I saw the licensing application notice a few weeks ago.

The following day, a sign was hung above the door implying beer sales, this has resulted in prospective drinkers going up and down the passageway, when they find the end door locked, they



have tried my door as they have presumably thought my property is something to do with the proposed bar.

We were unaware of the recent retrospective planning application for the brewery as we were not on the mailing list (despite being the nearest affected property).

It seems that this latest application has used a flawed location plan drawing with a misleading red boundary line that this gives the false impression that Quaker Yard is belonging to 24 Newgate & thus 24 Newgate is likely to be overlooked when considering planning applications etc. (24 was missed on earlier applications also).

The retrospective planning application fails to show the window between my yard and the brewery store room, surprising as this is not easily missed (it is bigger than the average house front door).

The licensing application uses the same drawing but it seems the window in my yard will now be looking into the new bottle shop as the store room is to have a change of use!

---

**Not a single resident that I have spoken to on Newgate and beyond was aware of the retrospective planning with implied bar area.** (number 22 did not receive a notification despite being on the mailing list).

There is no indication on the portal or in the notification in the Northern Echo (13<sup>th</sup> October 2018) that some sort of public bar was on the horizon.

The brewery bar area is tiny and can hold maybe 12 people, however the yard is large and can take probably another 50 people.

The brewery director tells me that they will be available for public bookings, 40<sup>th</sup> birthdays etc & that he has a licence for up to 60 people, this is very concerning!

Of course, there are many other residents affected on Newgate, our neighbours at number also have a garden wall adjoining the brewery yard. There are a good number of elderly residents in flats within a 50-metre radius some are less than 10 metres from the back of Quaker Yard on Tannery Yard.

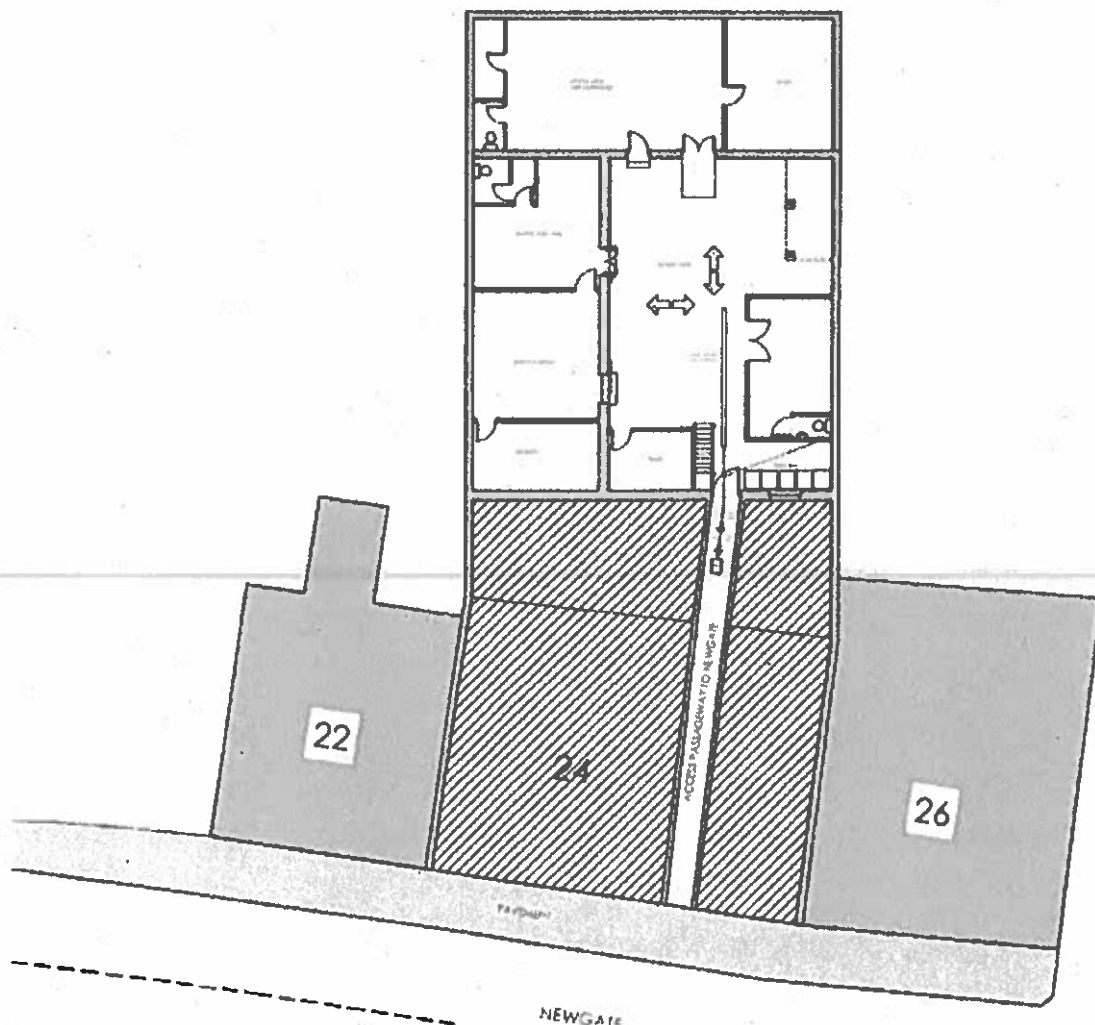
Barnard Castle already has many pubs and clubs within a 3-minute walk of my house, most are not in a residential area such as this. Surely another licensed premises is not required especially when it will cause such detrimental impact for nearby residents.

I urge the licensing sub-committee to reject the application

Regards

S & I Mitchell





Here is another plan from the brewery planning application. The 2m high window that is in the wall between our back yard and the store has been omitted from the above drawing, this is rather unusual as the matching window on the other side is clearly shown between the yard of number 24a and the yard (24a is owned by Mr )

Dear Amy

Please find attached a Heritage Statement as requested.

With regard to the other points raised in your correspondence we confirm the following:

- **Deliveries / Loading** - The brewery is a small scale operation, the materials used in processing are delivered via Car or Transit Van roughly once a month. Produce is predominantly bottled and packed in boxes or by standard sized kegs both of which are delivered to local pubs and businesses via Car or Transit Van. Demand is consumer defined however currently deliveries occur up to twice a week. Loading takes place in the lay by on Newgate Street adjacent the site. Hide Bound is an internet based company creating small scale leather drinking vessels and bowls that are taken to the post office and shipped out using the postal system. No HGV's are used by either operation.
- **Operating Hours - Hide Bound** - Mon Thurs 9am - 4pm - Fri 9am - noon
- **Operating Hours - Brewery** - Non defined however attendance could be anywhere between 08 00am and 22 00pm Monday to Saturday.
- The brewery is not open to members of the public and does not operate a bar however prospective purchasers do attend site to see the traditional brewing process and sample the produce in advance of placing orders.

Best Regards

Chris Brown BSc ( Hons )

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### **Neighbours Consulted Regarding Application: DM/18/02348/FPA/AHAR**

**Proposal:**                    **Retrospective change of use of buildings and yard for microbrewery ( B2 Use ) and leather goods manufacturing ( B2 Use )**

**Location:**                    **Workshop  
Quaker Yard  
Newgate  
Barnard Castle  
DL12 8NG**

**Date of last Print:**    **1 October 2018**

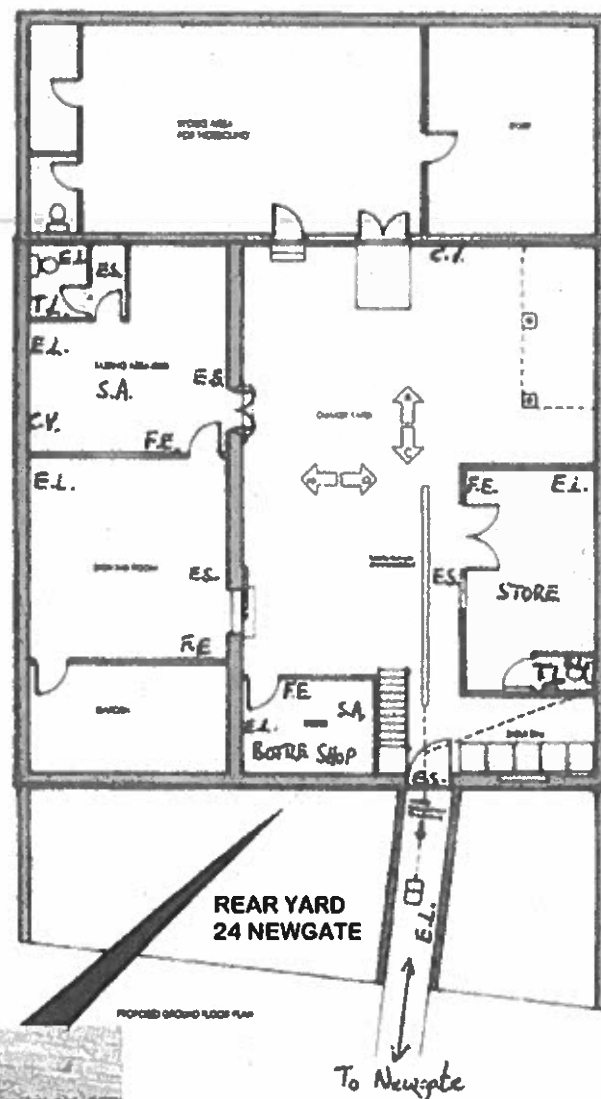
**Woodleigh Flatts Road Barnard Castle DL12 8AA  
22 Newgate Barnard Castle DL12 8NG  
26 Newgate Barnard Castle DL12 8NG  
Flat 26 Newgate Barnard Castle DL12 8NG  
The Studio Rear Of 26 Newgate Barnard Castle DL12 8NG**

The plan below has been submitted as part of the latest on & of-licence application, again the window between our yard and the brewery has been omitted. More worryingly, the store is a bottle shop that is an integral part of what amounts to a micropub!

The following text is from the application.... The applicant describes the premises - it is proposed to licence a bottle shop and tap room/tasting area for associated microbrewery. The tap room adjoins the microbrewery and will include tables and seating in the yard itself. The bottle shop is a separate building in the yard. It is hoped to operate the bottle shop immediately with the tap room coming into operation later in the summer. We envisage normal opening hours to be until 21:00 with special events and tasting evenings subject to demand.

**THIS PLAN HAS BEEN  
SUBMITTED FOR  
THE NEW LICENSING  
APPLICATION FOR  
BREWERY YARD**

**VIEW FROM MY YARD  
THIS WINDOW HAS  
BEEN OMITTED  
FROM ALL PLANS, IT IS  
BETWEEN MY YARD  
& THE BOTTLE SHOP  
IT IS 2M HIGH & 1M WIDE**



Mr K Mitchell has provided 2 video clips and additional photographs –  
see attached

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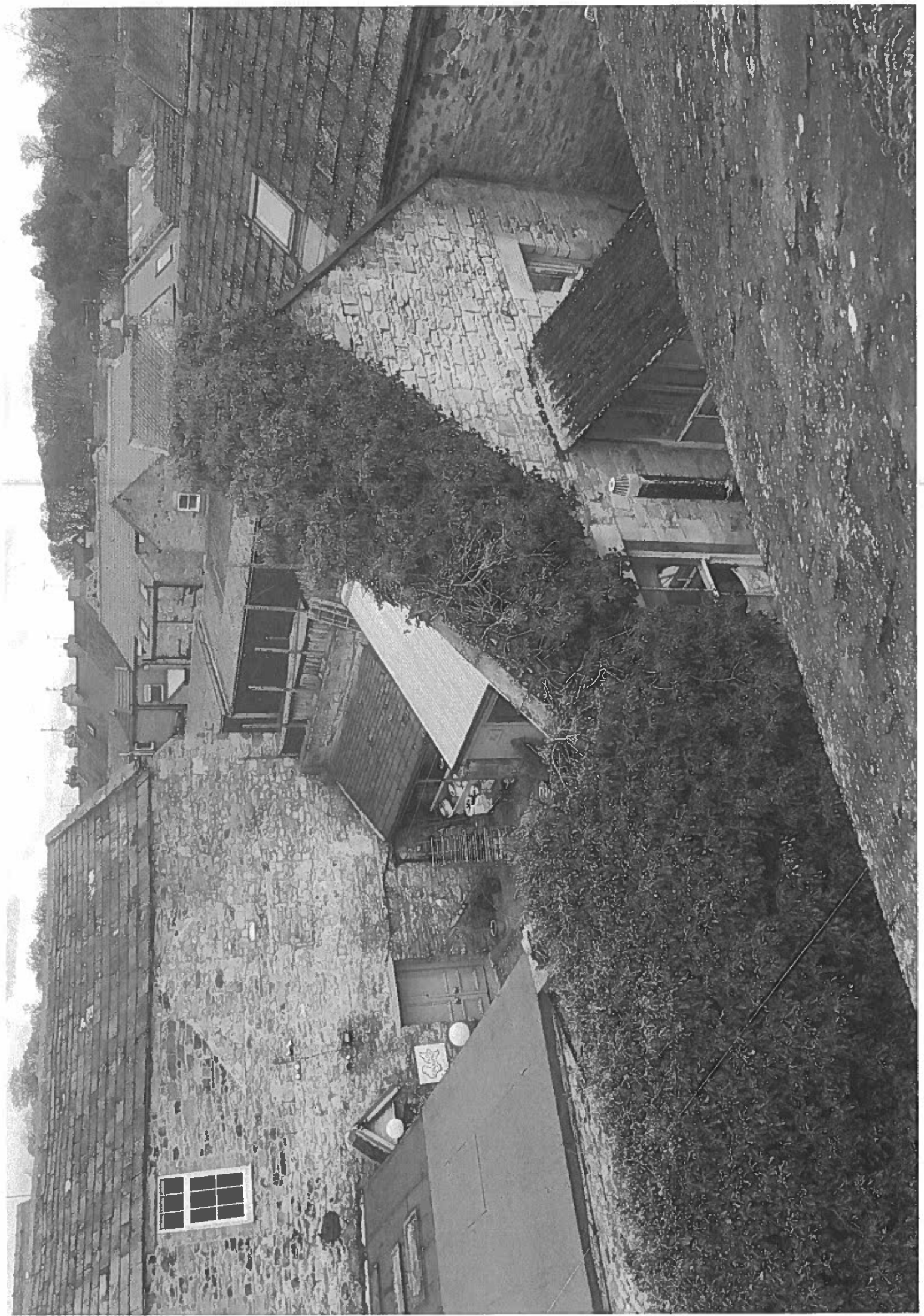














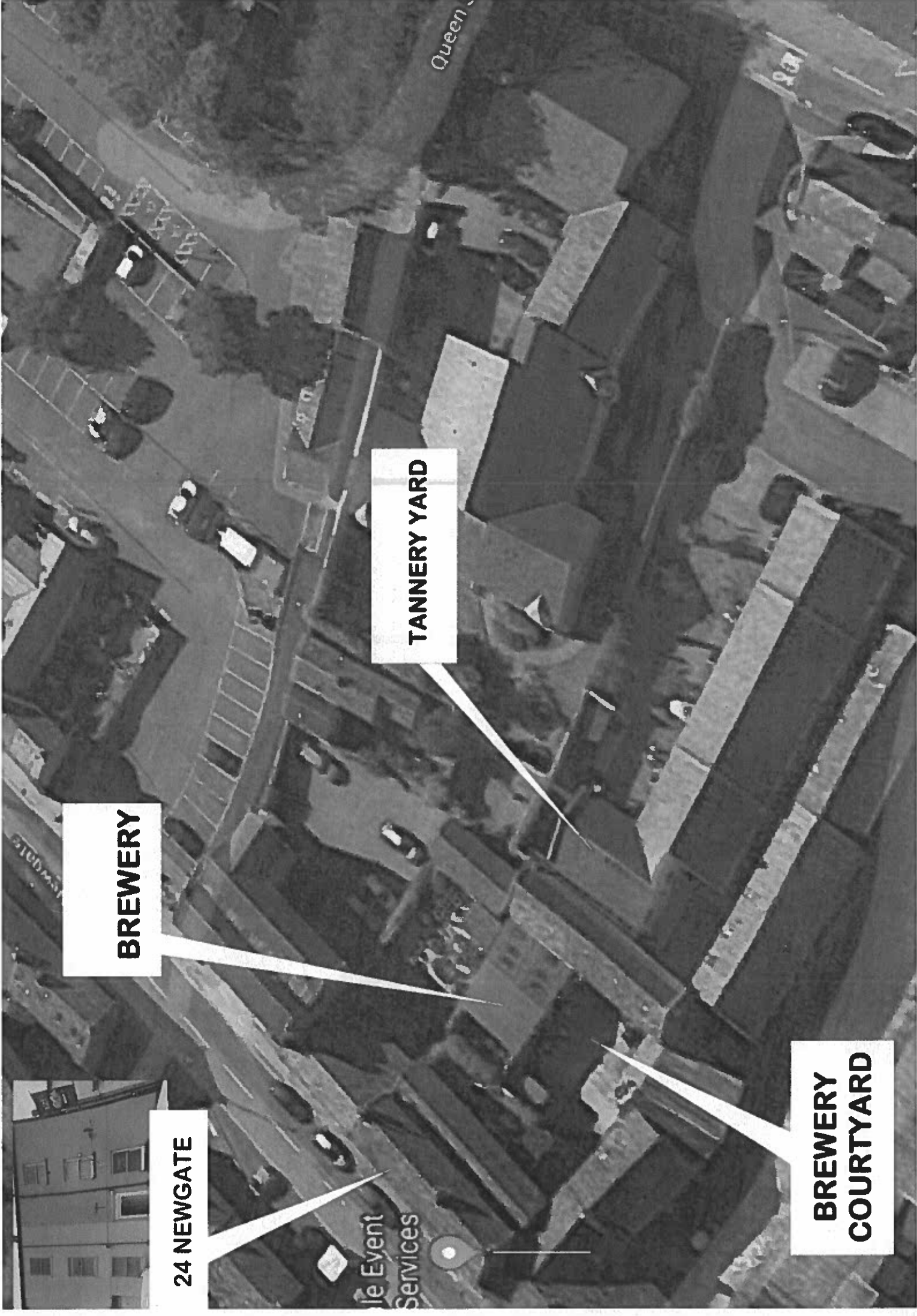








St Mary's Church



**TANNERY YARD**

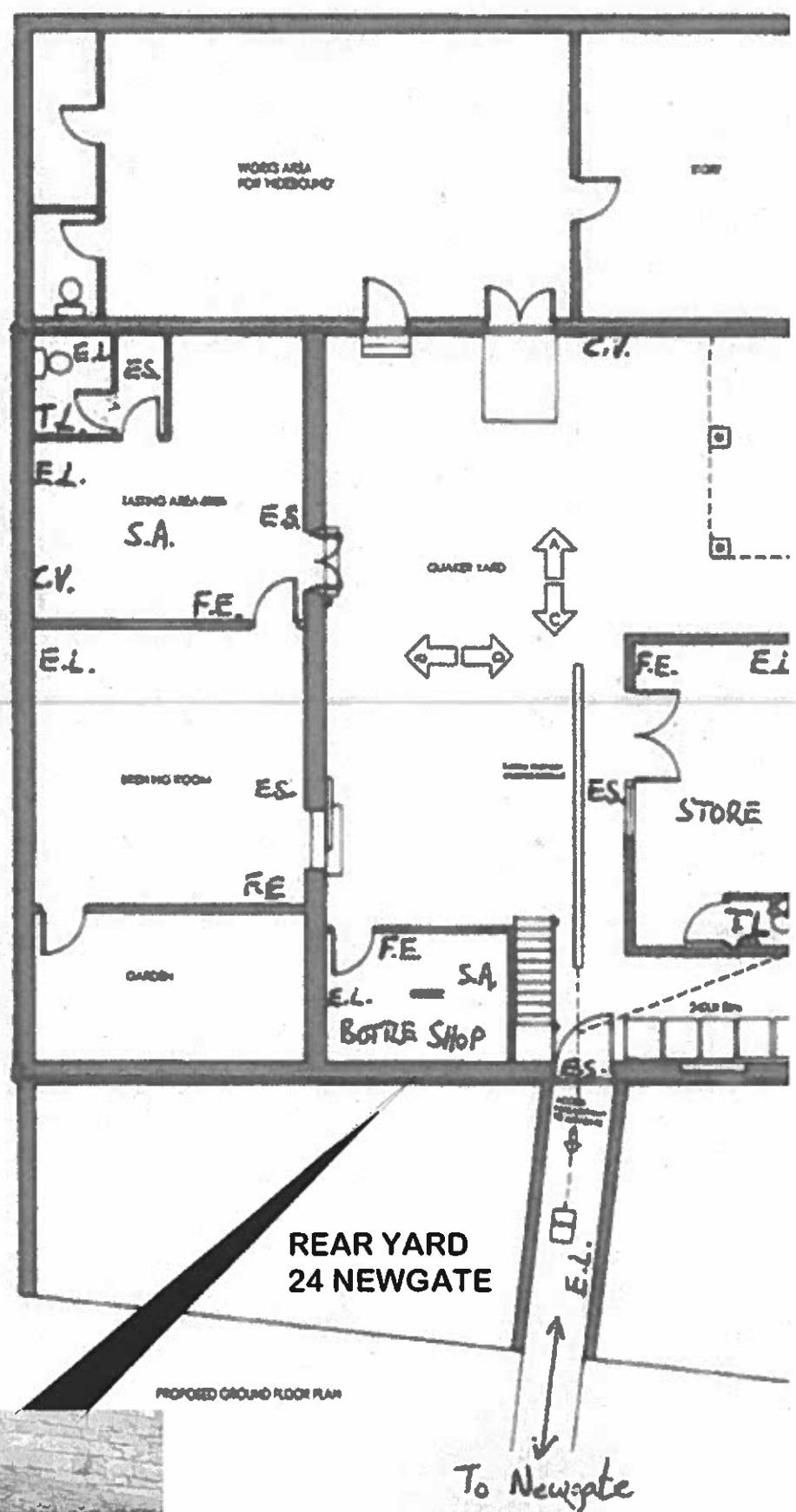
**BREWERY**

**BREWERY  
COURTYARD**

**24 NEWGATE**

S PLAN HAS BEEN  
MITTED FOR  
E NEW LICENSING  
PLICATION FOR  
EWERY YARD

/ FROM MY YARD  
WINDOW HAS  
N OMITTED  
V ALL PLANS, IT IS  
VEEN MY YARD  
E BOTTLE SHOP  
2M HIGH & 1M WIDE



PROPOSED GROUND FLOOR PLAN

Wood Street Barnard Castle Co Durham DL12 8JS

To whom it may concern.

As a local resident I have read the notice in the window of 24a Newgate regarding the application for a public licence for sale of alcohol on and off the premises. As such I have concerns around the impact of the licence being granted and wish to object.

Newgate already has additional noise and disturbance and parking difficulties for residents and clearly The Brewery, with the licencing hours proposed, would generate further complications for residents in the area.

You state that smoking will not be permitted in the courtyard or the alley way which then forces smokers onto the street generating both noise, nuisance and filth for the residents of Newgate and surrounds to tolerate.

The licence would allow alcohol to be consumed not just in the brewery building but also in the courtyard ('restrict the consumption of drinks to within the tap room/yard area').

This is a residential area with some properties only feet away from the courtyard and as I am resident in Wood Street, with the rear of my property overlooking Victoria Yard, I would therefore be directly affected by noise.

You state the tap room will only be 'open on selected days with limited opening hours and will not be operating late at night', yet the application is from 9.00-23.00 weekdays and 9.00-23.30 Saturdays and Sundays.

Could the 'occasional exception' to these hours not then be addressed by an 'occasional licence' being applied for?

Please could you let me how I can be kept informed of future developments.

Much obliged,  
C Naseby



Durham County Council  
Licensing  
PO Box 617  
Durham  
DH1 9HZ

31<sup>st</sup> March 2019

Dear Sir/Madame,

I wish to make a representation, objecting to the 'New Premises Licence Application' at Barnard Castle Brewery, Quaker Yard, Rear of 24 Newgate, Barnard Castle, DL12 8NG.

With regard to the Licensing Act 2003 – Statement of Licensing Policy 2014 – 2019, I have serious concerns that by granting a licence to sell alcohol on the premises until late in the evening, there will be a significant adverse impact on neighbouring amenity and in particular, will fail to meet the licensing objective of prevention of public nuisance.

In terms of prevention of public nuisance, the premises including its courtyard is located in very close proximity to a number of residential properties and is accessed via a narrow passage way from Newgate. The introduction of a bar in this location with opening times until 11pm and 11.30pm weekdays and weekends will result in an unacceptable level of noise from the patrons within the premises and the courtyard, their dispersal out on to the street and from the emptying of bottles. Furthermore, given how constrained the premises is for access (only via the passage from Newgate) there will be an unacceptable disturbance from the increase in deliveries and waste collections.

I am aware the premises is currently in class B2 use; I did not comment on the retrospective planning application (DM/18/02348/FPA) for this use as it was stated in the application that the premises would not be open to members of the public or have a bar. As such, I was accepting of the premises being used for a microbrewery and with the reassurances stated above, did not feel the need to object.

I kindly ask the decision maker take the above comments into consideration when determining the licensing application.

Yours faithfully,

Ms C            Naseby

Newgate  
Barnard Castle  
DL12 8NG

D & S Sumner  
Newgate  
Barnard Castle  
DL12 8NG

Email:

Karin Robson  
Senior Licensing Officer  
Health & Consumer Protection  
Durham County Council  
Durham  
DH7 8RS

1st April 2019.

Dear Ms. Robson,

**Objection to Granting a License to sell Alcohol, Barnard Castle Brewery, Quaker Yard**

Please find attached a photograph, of Newgate's garden & Quaker Yard brewery. Visual proof of how congested these properties are. Would you be kind enough to attach to original Objection of the 26th March 2019.

Yours Sincerely

D & S Sumner

Mr & Mrs D Sumner

Newgate  
Barnard Castle  
County Durham  
DL12 8NG

Tel:

Email:

To The Durham County Council  
Licensing  
PO Box 517  
Durham  
DH1 9HZ

26th March 2019

Dear Sir

**Objection to an Application for the Granting of a License to sell by retail Alcohol**

From, The Three Counties Brewery Ltd, in respect of the premises known as, Barnard Castle Brewery, Quaker Yard, at the rear of 24 Newgate Barnard Castle DL12 8NG

Our objections are relevant to section 9.0 Prevention of Public Nuisance and section 11.0 Cumulative Impact of your Licensing Act 2003 Statement of Licensing Policy 2014 to 2019.

The Brewery premises are surrounded by residential properties and all will be affected by this application and the brewery building is built on our adjoining party wall. It is only accessible via a single entry/exit long narrow alleyway between two properties which could be problematic in an emergency situation. The use of Quaker Yard will contain what will amount to being a Micro pub, and if licensed to sell on sales in addition to off sales will introduce, during unsociable hours, a diverse element that by reason of its use is likely to result in an unacceptable amount of noise, disturbance and nuisance.

The premises only have a small bar and it is inevitable that in good weather when we are most likely to be using our garden for leisure the courtyard will be used for customers to congregate and drink. Although the courtyard is hidden from view it is surrounded by high walls which will have the potential to amplify and resonate the noise generated on the premises.

We purchased Newgate four years ago on our retirement. The garden was a major selling point in which we have invested a large amount of time and money to create a peaceful environment which gives us great pleasure. The potential of unacceptable noise levels puts this peace and pleasure in jeopardy.

With reference to section 11.1 Cumulative Impact of your Statement of Licensing Policy we point out that in the Barnard Castle town centre area of Galgate, Horsemarket, Market Place and Newgate there are already some 15 premises (all within a reasonable walking distance) selling alcohol for consumption on or off the premises and premises licensed for the provision of late night refreshment. In view of this as covered by section 11.2 Cumulative Impact of your Statement of Licensing Policy we believe that there is no need for any further licensed premises to be established.

Should you require any additional clarification of any comments made, or would like to arrange a visit to our home, please do not hesitate to contact us.

Yours sincerely,

---

D & S Sumner  
Newgate  
Barnard Castle  
DL12 8NG

Email: [davidjsumner@me.com](mailto:davidjsumner@me.com)

Karin Robson  
Senior Licensing Officer  
Health & Consumer Protection  
Durham County Council  
Durham  
DH7 8RS

1st April 2019.

Dear Ms. Robson,

**Objection to Granting a License to sell Alcohol, Barnard Castle Brewery, Quaker Yard**

Please find attached a photograph, of Newgate's garden & Quaker Yard brewery. Visual proof of how congested these properties are. Would you be kind enough to attach to original Objection of the 26th March 2019.

Yours Sincerely

D & S Sumner



View of Neugate's Garden & Quaker  
Yard Brewery. Rooftop Yard.

Taken from Chapel Flats, Neugate Barnard  
Castle DL12 8NG Last year 2018.

---

**From:** D Sumner  
**Sent:** 31 March 2019 23:34  
**To:** Karen Robson  
**Subject:** Attachment to Objection for Premises License Quaker Yard Barnard Castle



Boundary Wall 22/24 roof of Brewery Quaker Yard



Close neighbour, 22a Newgate



Rear properties 22/24 Newgate with party wall to Quaker Yard



Chapel Flats & rear 22 Newgate



Front aspect 22 & 24 Newgate



Front aspect 24 with entrance to Quaker Yard Brewery



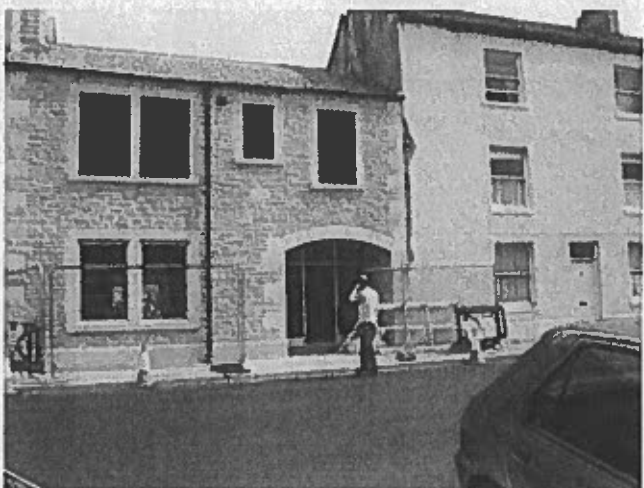
Karen Robson

---

**From:** D / I Sumner  
**Sent:** 11 April 2019 15:10  
**To:** AHS Licensing  
**Subject:** Photos/22Newgate att to objection Quaker yard brewery



22 Newgate 4 yrs ago



Extensive refurb..



garden in progress



finished last summer



adjoining wall to Microbrewery, quaker yard

Could these photo's be attached to our original Objection letter of proof of how much work has been completed.

---

**From:** Mr Sumner  
**Sent:** 01 April 2019 23:47  
**To:** AHS Licensing  
**Cc:** C Sumner  
**Subject:** Objection for the granting of a license to sell retail alcohol from 24 Newgate Barnard Castle.

Dear Committee,

Objection to an application for the granting of a licence to sell alcohol by retail.

From: The Three Counties Brewery, Quacker yard, 24 Newgate Barnard Castle DL128NG.

I wish to object due to the large amount of stress this proposal is placing on my elderly retired parents. They have developed and moved to Newgate for it's easy access to the town and its quiet secluded walled rear garden for their retirement. Which they have spent a great deal of time and money on developing. This peaceful outdoor space would be impacted on greatly by a outdoor dinking area directly next door. I'm aware the Tap room is very small and invisage most of the dinking of alcohol would take place in the quacker yard. This area is surrounding by stone walls which would create a large amount of unsociable noise to this residential area. This would be in breach of one of the corner stones of the licensing act 2003 The prevention of public nuisance.

I know Barnard Castle very well and feel strongly it has enough pubs and bars all within close proximity to each other. This licence application will have a cumulative impact as stated 11.1 in the Durham county council statement of licensing policy 2014-2019.

Yours sincerely,

M Sumner.

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**From:** P Sutherland  
**Sent:** 20 March 2019 11:33  
**To:** AHS Licensing  
**Subject:** Barnard Castle brewery

I would like to object to the application by Barnard Castle brewery to have a drinks license for Quaker Yard rear of 24 Newgate as this would cause noise disruption to residents of Tannery Yard of which I am one, I work full time and need to be able to rest to carry out my duties as a manager.

P sutherland

Prevention of public nuisance.

---

**From:** J White  
**Sent:** 27 March 2019 19:41  
**To:** AHS Licensing  
**Subject:** Application for licensing at premises Newgate ,Barnard Castle

**Categories:** Karen

I have heard that a micro brewery has applied for a license to serve alcohol at its premises on Newgate in Barnard castle, on a regular basis including nights and weekends. I think that this is inappropriate, it is basically a residential road although it already has 1 pub and a pizzeria. The likelihood of increased noise and disturbance out of normal working hours is high. I believe there is a garden area behind which could be used and would be unpleasant for the people living nearby.

Yours faithfully

J and J White  
Barnard Castle residents

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**From:** I wilkinson  
**Sent:** 29 March 2019 10:24  
**To:** AHS Licensing  
**Subject:** Licensed premises Application

**Categories:**

Dear Sir/Madam,

**Objection to application for Licensed Premises selling alcohol at Barnard Castle Brewing Company, Quaker Yard, 24 Newgate, Barnard Castle, DL12 8NG**

I write in connection with the above alcohol licence application. I know the site well and wish to object strongly to this licence being granted at this location on the grounds of the prevention of public nuisance.

As a resident of Barnard Castle, living in the centre of town, I, and other residents, suffer constant noise pollution due to the night time economy.

There are enough licensed venues in this area of town and it is particularly ill considered to allow a venue like this to serve alcohol in the middle of a residential street. It is just too near too many houses and flats and will have a massive impact on the neighbouring residents, as well as the general area. I understand the court yard is to be used for customers which, on a summers evening, will be a nightmare for local residents, not to mention the smokers congregating on the front all year round.

Surely a more elegant solution would be to trade from a premises in the centre of town if the brewery plan to run a micro-pub. At least then the noise nuisance is contained to the central area, which is already noisy, and doesn't start creeping along the more quiet residential streets.

Yours Sincerely,

I Wilkinson  
Market place  
Barnard Castle  
DL12 8ND

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**From:** T And A Worley  
**Sent:** 27 March 2019 14:30  
**To:** AHS Licensing  
**Subject:** For the attention of Karen Robson

**Categories:**

Re: Public Licence Application  
Barnard Castle Brewery, Quaker Yard, Rear of 24 Newgate, Barnard Castle, DL12 8NG

Re your telephone conversation yesterday with Anita we wish to object to the above planning application on the following grounds:-

**Prevention of Public Nuisance**

The application has requested opening times of 365 days from 9am to 11pm/11.30pm, we feel this is totally unacceptable in an area surrounded by residential properties. Littering and noise will increase due to people needing to come out onto the pavement to smoke. Noise will be heard late at night due to the volume of people all leaving at once if an event has occurred. Noise from the enclosed yard will travel over into the street and surrounding areas.

**Public Safety**

Newgate is primarily a residential road and further licensed premises will increase the already difficult parking problems as visitors use on street parking rather than the car park. Furthermore, more difficulties will arise with an increase in commercial vehicle numbers due to deliveries, making the road less safe.

**Afterword**

T as a sufferer of constantly feels exhausted and does not welcome the thought of interrupted sleep. Having mobility difficulties, nor does he wish to have to walk even further from home to access the car.

T and A Worley  
Newgate, Barnard Castle, Co Durham, DL12 8NQ

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**From:** Karen Robson  
**Sent:** 01 April 2019 13:00  
**Subject:** Changes to the premises licence application - Barnard Castle Brewery

Dear Resident

I write following your objection to the premises licence application for Barnard Castle Brewery and can confirm I have now received a significant amendment from the applicant (Mr Kevin Carr) as detailed in his email below.

As you will see the applicant has revised the sale of alcohol to:

**ON** the premises Fridays and Saturdays 17:30 until 21:00 hrs (for customers having a drink 'on' the premises)

**OFF** the premises Fridays and Saturdays 12:30 until 21:00 hrs (for purchasing alcohol to take with them)

The premises propose new opening hours of 12:30 until 21:30 hrs Fridays and Saturdays only

**Could you please consider this revised application and let me know whether or not this has alleviated your concerns. To ascertain who will be invited to the Committee Hearing I will need to know whether your objection still remains or whether you wish to remove it.**

I look forward to hearing from you by return.

Regards, Karen

**Karen Robson**  
**Senior Licensing Officer**  
Environment, Health & Consumer Protection  
Regeneration and Local Services  
Durham County Council  
Annand House  
Meadowfield  
Durham  
DH7 8RS

Direct: 03000 265104  
General Licensing: 03000 261016  
E-mail: [karen.robson2@durham.gov.uk](mailto:karen.robson2@durham.gov.uk)

**Privacy Notices and Data Protection**

We have recently updated our privacy information.

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

[www.durham.gov.uk/dataprivacy](http://www.durham.gov.uk/dataprivacy)

Web: [www.durham.gov.uk](http://www.durham.gov.uk)

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Follow us on [linkedin.com/company/durham-county-council](https://www.linkedin.com/company/durham-county-council)



Follow us on Instagram @durham\_county\_council

**From:** Kevin Carr

**Sent:** 01 April 2019 11:10

**To:** Karen Robson <Karen.Robson2@durham.gov.uk>

**Cc:** **Subject:** Re: New premises licence application - Barnard Castle Brewery

Hello Karen

Thank you again for your recent advice and assistance with our premises licence application. I have tried on several occasions without success to contact Susan Gallimore from your Nuisance Action Team to discuss the suggestions she has made, but I understand that for her to take into account any revisions, we only have until midday 1st April to submit them.

As I explained during our telephone conversation, the intention of the brewery was to have a small outlet with limited opening hours to help promote our products and brand. The advice we received before putting in the application was to cover all eventualities by applying for all opening hours we thought we might need, although it was never our intention to use them all on a regular basis. As this has been misunderstood by a small number of our neighbours, in order to alleviate their concerns we have decided to amend our application to directly reflect the hours we wish to open on a regular basis. These are:

*The sale of alcohol for consumption off the premises: Fridays and Saturdays 12:30 to 21:00;*

*The sale of alcohol for consumption on the premises: Fridays and Saturdays 17:30 to 21:00;*

*We will open for these purposes at 12:30 and close at 21:30 Fridays and Saturdays only;*

*We will now apply for Temporary Event Notices for any special events on other days or which require extensions to these hours.*

*There is to be no smoking or vaping anywhere on the premises.*

As can be seen from the application plan, the tasting area is separated from the adjoining flat on Newgate by the brewing room and small garden. This should prevent much of any noise generated in the tasting area from reaching the adjacent neighbouring property.

As for the use of the yard, by changing the hours when tasting will take place on the premises, we will be reducing the proposed yard use by about 90%. The impact will be reduced further if you take into consideration that people will not be inclined to sit outside either in the dark, when it is cold or when it is raining. We feel that the management conditions suggested by the police along with the nature of our target customer base (please see further information below), should be sufficient to control noise and behaviour on the premises.

With regard to noise from people entering and leaving the premises through the alleyway, this is no different from people walking past any front door located on any street anywhere. The entrance to the flats, as I understand it, is from other doors in a lobby located behind the door in the alleyway. No residence areas are therefore immediately behind the door in the alleyway.

From a Planning perspective, the main customer base for the brewery will remain its wholesale sales to pubs and shops and we feel that by only opening two days a week this limited activity is ancillary to our

primary manufacturing use of the site and does not constitute a material change of use. We will continue to liaise with our landlord regarding any listed building consents you identify, including the acceptable type of door required for the tasting room.

As our application is to be determined by committee, we also wish to make the following points in support of our application:

A) That we intend to employ 2 local young people. That we are currently working with Bishop Auckland College to identify appropriate training. That it is our intention to ensure that the candidates will, under our supervision and support, become highly skilled workers with valuable, transferable skills.

B) That the Tap/Tasting Room will be a unique venue which hits the current zeitgeist for artisan beer producers, this will inevitably be a popular destination for customers looking for this experience. The target group are older more mature customers who want to enjoy the beer and its provenance (we trade as Barnard Castle Brewing Co). This will be a draw for CAMRA members and special interest beer drinkers. This has been proved by small venue beer producers such as Caps Off in Bishop Auckland and McColls in Evenwood. This will also benefit the other Ale Houses in Barnard Castle who have a good reputation for serving Artisan Beers, such as The Firkin Alley and The Old Well. For this reason, we feel the development of the Tasting Room will be an asset to Barnard Castles early evening economy and reputation as a destination for those looking for quality.

C) We are currently working in association with other businesses in Barnard Castle to improve the early evening offer for the growing holiday trade, especially following the recent success of Kynren and the anticipated extension of Locomotion in Shildon. In Barnard Castle we have the established hotel and B&B trade which is lacking in the locality. In order to make the accommodation attractive to would be holiday makers, Barnard Castle needs to offer a variety of pubs and restaurants. The Tasting Room will be a valuable addition. The current cohort of pubs are very similar, catering to a very male environment. The Tasting Room will offer a comfortable space where families and lone Women will feel welcome. Since it opens early in the evening it encourages the option of remaining in Barnard Castle after 5pm. The venue will be homely and safe offer, in the cafe tradition.

Retention of trade in the early evening is vital to assist in the improvement of the Night time economy in Barnard Castle.

The Tasting Room will be closed by 9.30pm, coinciding with the time when the bars and restaurants are open and ready for business.

D) Barnard Castle is an attractive Georgian Market Town which has changed little over the centuries. The majority of the Pubs and Restaurants in the Town are closely neighboured by homes. This is a feature of the Town.

The Firkin Alley. Twelve Bar Blues, (now closed), The Bluebell, The Black Horse, The Commercial, The Old Well and The Cricketers Arms are all in the immediate vicinity of residential buildings. The licensed properties mentioned all have opening hours from 6-11pm. Some are open all day.

The Tasting Room will open on Friday and Saturday evenings from 5.30pm till 9.30pm.

We understand that some of the residents on Newgate have been approached to sign a petition to stop the development.

We are confident that once the opening times have been made clear it will reduce anxiety within the residents on Newgate.

Given the precedent of close residential neighbours for most of the Pubs in Barnard Castle (including Capri Pizza across the road on Newgate, licensed 12-10 Mon - Sun), we hope that this will not be an obstacle to our development.

E) In the current difficult trading climate and referring to similar business models it is obvious that our business will be severely affected by not having the opportunity to showcase our products in the Tasting Room.

The majority of our concern is to brew beer but it is essential in these times to offer the experience of The Tasting Room. Many studies and lots of anecdotal evidence suggest that the trend on the High Street is less retail and more experience. Without this element we feel we will be seriously disadvantaged.

We hope these amendments will be enough to allay any concerns and enable the Council to grant our Premises Licence application, but should you require any further information, please feel free to contact me.

Best regards,

Dr Kevin Carr

Director - The Three Counties Brewery Ltd (Trading as Barnard Castle Brewing Co).

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**From:** S Grant <  
**Sent:** 02 April 2019 11:18  
**To:** Karen Robson  
**Subject:** Re: Changes to the premises licence application - Barnard Castle Brewery

Dear Karen

Thank you for a copy of the revised application.

I note the reduced opening times and accept that these are an improvement on the original application. There is obviously a concern that these may be altered in future.

My original concerns still exist regarding noise and security. I would like confirmation that the small garden area next to my house will not be used and the access door will be locked.

I note the comments on residential areas and public houses, however this is a historic feature of the town and not really applicable to a new development. Newgate is not the high street but a predominantly residential area next to it.

I will not be able to attend a hearing due to transport difficulties.

regards

S Grant

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**From:** P Loughran-Hanby  
**Sent:** 01 April 2019 16:19  
**To:** Karen Robson  
**Subject:** Re: Changes to the premises licence application - Barnard Castle Brewery

I have considered the changes and still object to the sale of alcohol on the premises for the same reasons as stated previously. I have no problem with the sale of alcohol for people to take away off the premises.

P Loughran-Hanby

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**From:** c mitchell <<  
**Sent:** 01 April 2019 14:24  
**To:** Karen Robson  
**Subject:** Re: Changes to the premises licence application - Barnard Castle Brewery

Hi Karen,

please can you still submit my objection as the change in proposed hours does not address my concerns.

Regards

C

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**From:** K Mitchell  
**Sent:** 01 April 2019 14:34  
**To:** Karen Robson  
**Subject:** Re: Changes to the premises licence application - Barnard Castle Brewery

Hello Karen,

My objection still stands. I spoke to Kevin Carr this morning. He told me that these are the hours they wanted from the start! It is hardly a compromise to ask for some ridiculous schedule that you have no intention or desire to even open and then make out that you have compromised by proposing what you wanted from the start. Also one of the worst aspects of this application is the smoking in the corridor and outside of our house.

Regards

K and S

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**From:** C Sumner <  
**Sent:** 01 April 2019 16:47  
**To:** Karen Robson  
**Subject:** Re: Changes to the premises licence application - Barnard Castle Brewery

Dear Ms Robson, Having read through your email, the amendments to Barnard Castle Brewery revised application, we feel the amendments will not sway us to amend our original Objection. And does nothing to alleviate our concerns, reference selling alcohol on the premises. **Our Objection remains.** Kind Regards, D & S Sumner

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**From:** J White  
**Sent:** 02 April 2019 09:21  
**To:** Karen Robson  
**Subject:** Re: Changes to the premises licence application - Barnard Castle Brewery

Thank you for the updated information, I still believe that it is an inappropriate application ,an infringement of the rights of local residents which potentially will cause unacceptable noise and disturbance.

Regards

J and J White

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**From:** T And A Worley -  
**Sent:** 02 April 2019 11:30  
**To:** Karen Robson  
**Subject:** Re: Objection to Barnard Castle Brewery Premises Licence

Good Morning Karen

Thank you for the update. After careful consideration we have decided that we do not wish to withdraw our initial objection regarding the sale of alcohol to be consumed on the premises. We would not object to the sale of alcohol to be consumed off the premises.

Regards  
T and A Worley

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## Appendix 6: Comments from Planning

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**From:** Amy Williamson  
**Sent:** 08 March 2019 13:25  
**To:** Helen Johnson - Licensing Team Leader (N'hoods)  
**Cc:** Carol Graham - Licensing Assistant (N'hoods)  
**Subject:** CON28/19/00655 - Micro Brewery, Quaker Yard, Newgate, Barnard Castle

Dear Helen and Carol,

Thank you for consulting us on the above licence application.

Retrospective planning permission was granted in November 2018 for change of use of the buildings and yard area to a microbrewery and leather good manufacturers, which both fall within the B2 (general industrial) planning use class. The planning application stated 'The brewery is not open to members of the public and does not operate a bar however prospective purchasers do attend site to see the traditional brewing process and sample the produce in advance of placing orders.'

I note that the current licence application includes proposals to open a bottle shop and tap room/tasting area with tables in the courtyard area intended to be open to the public from 9am – 11.30pm and also refers to events taking place. The current planning permission for the site primarily relates to the production of beer and leather goods and not for public use as a shop or bar. In some instances a limited amount of retail or bar use could occur at a brewery and be considered ancillary to the primary manufacturing use, however this would depend on the extent of the retail/bar use and how it impacts on the surrounding area and neighbouring residents. If the retail/bar use is significant in relation to the manufacturing use and would impact on the surroundings, this may constitute a material change of use for which planning permission is likely to be required.

From the limited information contained within the licence application I am currently unable to ascertain the extent of the bar/retail operation in relation to the manufacturing function. However I am aware the site is within a residential area and any activity causing noise and disturbance to adjacent residents may be problematic.

The buildings are grade II listed and any alterations associated with the bottle shop and tap room/tasting area may also require listed building consent.

In terms of progressing things, I would be happy to meet with the applicant either on site or at County Hall to find out more about their proposals and advise whether planning permission and/or listed building consent are needed.

Alternatively we do offer a pre-application enquiry service (<http://www.durham.gov.uk/article/8280/Before-you-apply>). When applicants contact us about proposed developments/uses we usually steer them down this route as ordinarily we do not provide informal pre-application advice outside of this service. They would need to submit an enquiry to us including full details of the proposal, we would then provide a written response confirming whether any consents are needed and relevant issues to be addressed. There would be a fee of £50 for an enquiry and we would respond within 28 days.

I hope this is helpful, please do not hesitate to contact me should you wish to discuss any of the above.

Kind regards,

Amy Williamson  
Planning Officer  
Planning Development Management - South West Area Team  
Durham County Council  
Room G73-82  
County Hall

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## Appendix 7: Responses from Responsible Authorities

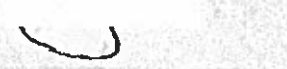
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**From:** Susan Gallimore  
**Sent:** 02 April 2019 15:39  
**To:** Carol Graham - Licensing Assistant (N'hoods); Karen Robson; Helen Johnson - Licensing Team Leader (N'hoods)  
**Subject:** RE: New Premises licence application received - Barnard Castle Brewery

Dear Carol/Karen,

Please note that I have no adverse comments to make about the amended premises licence application as per the applicant's email to you of 01-04-19

Kind Regards,

  
Susan Gallimore MCIEH MIOA DipLOA  
Senior Public Protection Officer  
Regeneration and Local Services  
Durham County Council  
PO Box 617  
Durham  
DH1 9HZ

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Follow us on Instagram@[durham\\_county\\_council](https://instagram.com/durham_county_council)

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**From:** Lee Peacock  
**Sent:** 06 March 2019 09:01  
**To:** Carol Graham - Licensing Assistant (N'hoods); AHS Licensing  
**Cc:**  
**Subject:** New Licence Application Barnard Castle Brewery

Good Morning,

My Ref: LP/2019/024

I represent the Durham Local Safeguarding Children Board (LSCB) which is a responsible authority under the licensing act. I have received a copy of your application for a premises licence for your premises at Barnard Castle Brewery

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

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Lee Peacock  
Strategy & Development Officer  
Durham LSCB  
Durham County Hall  
DH15UJ

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[www.durham.gov.uk](http://www.durham.gov.uk)



**Like tobacco, alcohol is harmful.**

We now know just how harmful alcohol before 18 can be.

It can affect your child's developing brain, cause physical and mental health problems, and make them more likely to become a heavy drinker when they are older.

Find out what every parent needs to know about drinking before 18 at [whatstheharm.co.uk](http://whatstheharm.co.uk)

**B**  
mea

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**From:** Sean Barry  
**Sent:** 06 March 2019 10:22  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Cc:** AHS Licensing  
**Subject:** RE: New Premises licence application received - Barnard Castle Brewery 24 Newgate, Barnard Castle. DL12 8NG

Good Morning

I have received a new licence application for the establishment: Barnard Castle Brewery 24 Newgate, Barnard Castle. DL12 8NG

I have no comments or objections to make on behalf of County Durham Public Health.

My Ref: PH/2019/025

Thanks  
Sean

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**From:** Carol Graham - Licensing Assistant (N'hoods)  
**Sent:** 05 March 2019 12:39  
**To:**  
**Subject:** New Premises licence application received - Barnard Castle Brewery

The following application has been received/accepted by Durham County Council and is attached.

**Les/Enforcement - can you check that the blue notice is on display correctly.**

1

**Application Type - Application for a new Premises Licence**

**Applicant: - The Three Counties Brewery Ltd**

**Premises – Barnard Castle Brewery, Quaker Yard, Rear of 24 Newgate, Barnard Castle. DL12 8NG**

**Date of Application – 5 March 2019                      Last date for representations – 2 April 2019**

**Please note the last date for representations**



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## Appendix 8: Statement of Licensing Policy

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## **DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY**

### **7.0 The Prevention of Crime and Disorder**

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

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

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

7.4 The Licensing Authority encourages Personal Licence holders to actively participate in established "Pubwatch" schemes, where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "Best Bar None" initiative which enables premises to demonstrate good safe operating procedures. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

7.5 The Licensing Authority recognises and promotes effective and responsible management of all licensed and authorised premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are considered to be among the most important control measures for the achievement of all Licensing Objectives. The Licensing Authority will take a positive view of anyone who invests in appropriate training, and in particular nationally accredited qualifications tailored to the Licensing sector. Training records should be kept available for inspection by all enforcement agencies.

7.6 The application for premises licence must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years.

7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or

issues arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. The Licensing Authority considers it to be good practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:

- ☐ Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises.
- ☐ At all times when the premises is a "vertical drinking establishment" where little or no seating is provided.
- ☐ At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

7.8 The Licensing Authority will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that particular premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

7.9 Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager.

7.10 The numbers of licensed door supervisors, both male and female, required at any premises will be dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.

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

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

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

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

## **8.0 Public Safety**

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

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

## **9.0 Prevention of Public Nuisance**

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

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

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

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

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

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

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

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

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

## **10.0 Protection of Children from Harm**

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

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

accompanied by an adult from being present:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## Appendix 9: Section 182 Guidance

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## **Crime and disorder**

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

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

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

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## **Ensuring safe departure of those using the premises**

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

## **Maintenance and repair**

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

## **Safe capacities**

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

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<sup>1</sup> S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

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

## Public nuisance

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

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

## Protection of children from harm

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



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

- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

## **Offences relating to the sale and supply of alcohol to children**

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

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

**Table of relevant offences under the 2003 Act**

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