

BARRIO COMIDA, 31-33 CHURCH STREET, DURHAM.

INFORMATION PROVIDED BY APPLICANT'S SOLICITOR TO PERSONS MAKING REPRESENTATION

From: Sarah Smith
Sent: 12 April 2019 14:51
To: p
Subject: Barrio Comida - premises licence application [SINTONS-LLP.FID125614]

Dear Sirs

I act for Shaun Hurrell who has made an application for a new premises licence for Barrio Comida at 31-33 Church Street, Durham.

I understand that you have made a representation to this application on behalf of the Parish Council. That representation has been forwarded to me by the Licensing Officer of Durham County Council.

I thought I would write to you in the hope that I can offer some assurances in response to the concerns that you raise.

My client has taken a lease of this premises with a view to operating it as a restaurant /café specialising in Mexican food. The premises has the benefit of a planning permission for A3 class use which permits it to operate as a restaurant and café. As matters stand my client is now committed to running his business from the premises regardless of whether or not a premises licence is granted. However, rather than run an unlicensed "bring your own" alcohol offering he would prefer to have the benefit of a premises licence. Premises licences not only enhance the value and quality of a business but also give the Council more control over the venue in terms of the conditions they can impose on the licence.

The premises licence that my client applies for is to allow him to sell alcohol from 10AM to 10PM. As part of our application we have also included the provision of recorded music. The inclusion of recorded music in the application is more for transparency as, under recent deregulation of the licensing laws, we do not need a licence to provide recorded music on premises licensed to sell alcohol between the hours of 8AM and 11PM. Nor do we need a licence to play recorded music at background levels.

The hours we seek under this licence are very modest for a restaurant operation (which historically permit sale of alcohol to midnight), is comfortably within the City's framework of licensing hours as set out in the Statement of Licensing Policy (recommended hours are 07:00 to 00:00 weekdays and to 01:00 on weekends) and are in keeping with other licensed premises in the area.

As part of the consultation process a site meeting took place with the Licensing Officer, police and environmental health officer. This allowed those officers to assess the likely impact of the proposed activities on the surrounding area. As a result of that consultation we have added some additional conditions to our operating schedule and I attach a revised copy for your information. You will note from this that your specific concerns relating to closing of windows and door and disposal of glass are addressed.

I note the additional restrictions you request and will deal with each individually:-

- The attached operating schedule offers the standard condition on hours during which disposal of glass can take place. My client would be willing to restrict these hours further to state that no glass will be disposed of between the hours of 20:00 and 08:00 hours.
- Restriction on deliveries is usually dealt with in terms of the planning permission. In the absence of any restriction on the planning permission, my client would be willing to offer a condition which requires that vehicular deliveries to the premises take place between the hours of 07:00 and 18:00 hours.

You will see from the operating schedule that food and drink will not be consumed in the external seating area after 2100 hours. You have requested that this cease at 1800 hours. We are not able to make any further concessions on this cut-off time. The use of this area is integral to the style and offering of the premises as well as to the viability of the business. We would point out that as consumption of food and alcohol are not licensed activities, if the premises were unlicensed, the external area could be used at any time without restriction. Under the terms of the licence sought the area will be managed to ensure that the licensing objectives are promoted at all times. Failure to do so could lead to a risk of the licence being lost which would not be in my clients interests.

I hope that the above information and additional conditions offered meet your concerns. The Licensing Officer and responsible bodies are all supportive of the application and are confident that this licence, if granted, will not have a negative impact on the local area. If issues did arise in the future there are a number of remedies available to residents to address those.

My client is looking forward to providing a quality food offering in Durham and seeks to be an asset to the area and not a detriment. It would not be in his own interests to allow his premises to cause issues to residents, many of whom we hope will be customers of Barrio Comida.

My client and I would be more than happy to discuss this matter with you further and to that end would ask that you contact me on . (Please note that I am away from the office on annual leave from today until 23rd April but will check emails daily).

If, however, in view of the above information, you would now be willing to withdraw your objection on the basis of the additional conditions now offered please confirm and I will update the application accordingly and inform the Licensing Officer at Durham County Council.

Kind regards
Sarah

Sarah Smith
Partner

Extension:
Direct Dial:

Yvonne Raine

From: Karen Robson
Sent: 15 April 2019 13:12
To: p
Cc: Yvonne Raine
Subject: Drs Wood and Carey [SINTONS-LLP.FID125614]
Attachments: Operating Schedule.DOCX

Drs Wood and Carey

PREMISES LICENCE APPLICATION – MR SHAUN HURRELL - BARRIO COMIDA, 31-33 CHURCH STREET, DURHAM

In the absence of Yvonne Raine, I have been asked by Sarah Smith from Sinton Solicitors (who are representing the applicant for the above premises licence application) to forward an email to yourselves. Could you please read the information they have provided and let me know whether or not you wish for your representation/objection to remain or be withdrawn.

I look forward to hearing from you shortly.

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:
General Licensing: 03000 261016
E-mail:

Privacy Notices and Data Protection

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Follow us on Instagram @durham_county_council

From: Jackie Amos <>
Sent: 15 April 2019 12:59

To: Karen Robson <

Subject: FW: Drs Wood and Carey [SINTONS-LLP.FID125614]

Jackie Amos | Sintons LLP
Licensing Manager

Direct Dial:
Switchboard: +44 (0) 191 226 7878
Email:

 



Dear Dr. Carey and Dr. Wood

As you know, I act for Shaun Hurrell who has made an application for a new premises licence for Barrio Comida at 31-33 Church Street, Durham. We met at the meeting that Shaun set up for residents to attend on 4th March,

I understand that you have now made a representation to this application. That representation has been forwarded to me by the Licensing Officer of Durham County Council.

I thought I would write to you in the hope that I can offer some assurances in response to the concerns that you raise.

My client has taken a lease of this premises with a view to operating it as a restaurant /café specialising in Mexican food. The premises has the benefit of a planning permission for A3 class use which permits it to operate as a restaurant and café. As matters stand my client is now committed to running his business from the premises regardless of whether or not a premises licence is granted. However, rather than run an unlicensed "bring your own" alcohol offering he would prefer to have the benefit of a premises licence. Premises licences not only enhance the value and quality of a business but also give the Council more control over the venue in terms of the conditions they can impose on the licence.

The hours we seek under this licence are very modest for a restaurant operation (which historically permit sale of alcohol to midnight), is comfortably within the City's framework of licensing hours as set out in the Statement of Licensing Policy (recommended hours are 07:00 to 00:00 weekdays and to 01:00 on weekends) and are in keeping with other licensed premises in the area.

In granting planning permission for this site, the Council officers would have taken into account its proximity to a World Heritage site, but did not see fit to restrict the hours of operation.

With regard to your concerns on off sales you will recall that Shaun did outline at the residents' meeting that there would be a small retail section at the premises offering food and drink which complements the Mexican offering. This is similar to the retail offering at premises such as Carluccio's Italian Restaurant. Off sales of alcohol will be limited to the small range of Mexican products on offer.

With regard to your concerns on the hours applied for on New Year's Eve, these hours are generally accepted as standard hours of operation on New Year's Eve and licensed premises have been permitted to operate these hours since 1999. The majority of premises don't seek to operate during the entirety of these hours but the flexibility to do so is built into most premises licences. If it gives comfort my client is willing to remove the extended hours on New Year's Eve from his application.

Can I assure you that, as part of the consultation process, a site meeting took place with the Licensing Officer, police and environmental health officer. This allowed those officers to assess the likely impact of the proposed activities on the surrounding area. As a result of that consultation we have added some additional conditions to our operating schedule and I attach a revised copy for your information.

I hope that the above information meets your concerns. The Licensing Officer and responsible bodies are all supportive of the application and are confident that this licence, if granted, will not have a negative impact on the local area. If issues did arise in the future there are a number of remedies available to residents to address those.

My client is looking forward to providing a quality food offering in Durham and seeks to be an asset to the area and not a detriment. It would not be in his own interests to allow his premises to cause issues to residents, many of whom we hope will be customers of Barrio Comida.

My client and I would be more than happy to discuss this matter with you further and to that end would ask that you contact me on (Please note that I am away from the office on annual leave from today until 23rd April but will check emails daily).

If, however, in view of the above information, you would now be willing to withdraw your objection on the basis of the additional conditions now offered please confirm and I will update the application accordingly and inform the Licensing Officer at Durham County Council.

Kind regards
Sarah

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Yvonne Raine

From: Karen Robson
Sent: 15 April 2019 13:18
To:
Cc: Yvonne Raine
Subject: Barrio Comida Premises Licence Application
Attachments: Operating Schedule.DOCX

Mr Lovell

**PREMISES LICENCE APPLICATION – MR SHAUN HURRELL - BARRIO
COMIDA, 31-33 CHURCH STREET, DURHAM**

In the absence of Yvonne Raine, I have been asked by Sarah Smith from Sinton Solicitors (who are representing the applicant for the above premises licence application) to forward an email to yourselves. Could you please read the information they have provided and let me know whether or not you wish for your representation/objection to remain or be withdrawn.

I look forward to hearing from you shortly.

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:
General Licensing: 03000 261016
E-mail:

Privacy Notices and Data Protection

We have recently updated our privacy information.

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Follow us on Instagram @durham_county_council

From: Jackie Amos < >
Sent: 15 April 2019 11:01
To: Karen Robson <
Subject: Ms Lovell [SINTONS-LLP.FID125614]

Dear Mr Lovell

I act for Shaun Hurrell who has made an application for a new premises licence for Barrio Comida at 31-33 Church Street, Durham.

I understand that you have made a representation to this application on behalf of the Elvet Residents' Association. That representation has been forwarded to me by the Licensing Officer of Durham County Council.

I thought I would write to you in the hope that I can offer some assurances in response to the concerns that you raise.

My client has taken a lease of this premises with a view to operating it as a restaurant /café specialising in Mexican food. The premises has the benefit of a planning permission for A3 class use which permits it to operate as a restaurant and café. As matters stand my client is now committed to running his business from the premises regardless of whether or not a premises licence is granted. However, rather than run an unlicensed "bring your own" alcohol offering he would prefer to have the benefit of a premises licence. Premises licences not only enhance the value and quality of a business but also give the Council more control over the venue in terms of the conditions they can impose on the licence.

The premises licence that my client applies for is to allow him to sell alcohol from 10AM to 10PM. As part of our application we have also included the provision of recorded music. The inclusion of recorded music in the application is more for transparency as, under recent deregulation of the licensing laws, we do not need a licence to provide recorded music on premises licensed to sell alcohol between the hours of 8AM and 11PM. Nor do we need a licence to play recorded music at background levels.

The hours we seek under this licence are very modest for a restaurant operation (which historically permit sale of alcohol to midnight), is comfortably within the City's framework of licensing hours as set out in the Statement of Licensing Policy (recommended hours are 07:00 to 00:00 weekdays and to 01:00 on weekends) and are in keeping with other licensed premises in the area.

As part of the consultation process a site meeting took place with the Licensing Officer, police and environmental health officer. This allowed those officers to assess the likely impact of the proposed activities on the surrounding area. As a result of that consultation we have added some additional conditions to our operating schedule and I attach a revised copy for your information.

With regard to takeaway, my client does not seek to provide late night refreshment from this premises. His planning permission is for a restaurant and, therefore, any concerns on this being an application for a "takeaway" are unfounded. As my client explained to the residents who attended the meeting he set up 4th March, there will be a small retail section at the premises offering food and drink which complements the Mexican offering. This is similar to the retail offering at premises such as Carluccio's Italian Restaurant. Off sales of alcohol will be limited to the small range of Mexican products on offer.

With regard to your concerns on the hours applied for on New Year's Eve, these hours are generally accepted as standard hours of operation on New Year's Eve and licensed premises have been permitted to operate these hours since 1999. The majority of premises don't seek to operate during the entirety of these hours but the flexibility to do so is built into most premises licences. If it gives comfort my client is willing to remove the extended hours on New Year's Eve from his application.

I hope that the above information addresses your concerns. The Licensing Officer and responsible bodies are all supportive of the application and are confident that this licence, if granted, will not have a negative impact on the local area. If issues did arise in the future there are a number of remedies available to residents to address those.

My client is looking forward to providing a quality food offering in Durham and seeks to be an asset to the area and not a detriment. It would not be in his own interests to allow his premises to cause issues to residents, many of whom we hope will be customers of Barrio Comida.

My client and I would be more than happy to discuss this matter with you further and to that end would ask that you contact me on (Please note that I am away from the office on annual leave from today until 23rd April but will check emails daily).

If, however, in view of the above information, you would now be willing to withdraw your objection on the basis of the additional conditions now offered please confirm and I will update the application accordingly and inform the Licensing Officer at Durham County Council.

Kind regards
Sarah

Jackie Amos | Sintons LLP
Licensing Manager Jackie Amos | Sintons LLP
Licensing Manager

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OPERATING SCHEDULE

BARRIO COMIDA, 31-33 CHURCH STREET, DURHAM, DH1 3DG

1. The operator shall ensure that at all times when the premises are open for any licensable activity there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
2. The operator and designated premises supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events.
3. Alcohol may only be consumed on the premises by persons seated at a table (save for when alcohol is sold to persons attending bona fide functions at the premises in which case this condition will not apply in the part of the premises in which the function is taking place).
4. Food and beverages will not be consumed in the external seating area after 21:00 hours daily.
5. A CCTV system must be designed, installed and maintained in proper working order, to the satisfaction of Durham Police. Such system must:-
 - (i) ensure coverage of all entrances and exits of the licensed premises and coverage of all such areas as may be required by Durham Police.
 - (ii) provide continuous recording for each camera to a standard for identification and the recording be retained for a minimum of 28 days.
 - (iii) be in operation at all times the premises are in use and made available to the Police on request.
 - (iv) always be accessible by a supervisor who is sufficiently trained in the operation of the system.
6. Substantial food and non-alcoholic beverages shall be available throughout permitted hours.
7. The maximum number of persons permitted on the premises at any one time shall not exceed the safe capacity as prescribed by fire safety legislation.
8. The designated premises supervisor shall ensure that there are effective management arrangements in place to enable him/her to know how many people there are in the premises at times prescribed within the management risk assessment.
9. All staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends). Training records for staff to be maintained and refresher training to be provided annually.
10. The premises licence holder shall ensure that a refusals register is in operation to log incidents where a sale of alcohol is refused (if a person appears intoxicated or appears to be under 18). The register is to be kept on the premises and made available to the police on request.

10. No glass or material or bottles shall be deposited in any skip, bin or other container of a like nature, located in the open air outside of the premises between the hours of 2300 hours and 0800 hours and any such skip, bin or container shall not be removed from the premises between those hours.
11. Noise from the licensed premises, including noise from patrons, amplified music and live music, shall not be audible beyond the boundary of the premises so as to cause nuisance to nearby residents or other uses of the complex.
12. When regulated entertainment involving the playing of recorded music and live music is taking place, all windows, entrance and lobby doors shall be kept closed except for the purposes of access and egress.
13. All members of staff at the premises including door supervisors shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, Ministry of Defence ID or proof of age card carrying a "PASS" logo.

Rev A