

Statutory Licensing Sub-Committee

16th July 2019

Application for the grant of a Premises Licence

Ordinary Decision



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 Spice Island, 9 Market Place, Barnard Castle. DL12 8NF received from Mr Shuhel Ahmed.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application requests the granting of a new Premises Licence. There is already a Premises Licence in force at this premises but a new application has been submitted so that the second floor of the building can also be utilised for the provision of licensable activities.
- 4 The application originally requested the Sale of Alcohol for consumption on the premises, the provision of Indoor Recorded Music and the provision of Indoor Late Night Refreshment from 07:00 hrs until 00:00 hrs Sunday to Wednesday and from 07:00 hrs until 02:00 hrs Thursday to Saturday. An extension of these activities was also requested until 03:00 hrs on Christmas Eve, New Years Eve, all Bank Holidays and Sundays before Bank Holidays.
- 5 On 4th June 2019, the applicant amended the timings requested for licensable activities and the opening hours following mediation with Durham Constabulary.

The revised times are Monday to Sunday, Bank Holidays and Sundays before a Bank Holiday from 07:00 to 00:00 hrs with an extension of hours on Christmas Eve and New Years Eve until 02:00 hrs.

- 6 Following mediation with the Durham Safeguarding Children Partnership and Durham Constabulary, the applicant added additional conditions to the application.
- 7 Five representations were received during the consultation period; one in support of the premises licence application from Barnard Castle Town Council and four objections to the application; one from a Responsible Authority, namely Environmental Health and three from Other Persons.

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) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 10;
 - (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 11.

Background

- 10 Background information

| | | |
|-----------------------------|---------------------------------|----------------------------------|
| Applicant | Mr Shuhel Ahmed | |
| Type of Application: | Date received: | Consultation ended: |
| New premises licence | 24th May 2019 | 21st June 2019 |

- 11 For Members’ information – Spice Island, 9 Market Place, Barnard Castle has a current premises licence issued on 24th November 2005 and Mr Ahmed has applied for the grant of a new licence to include the second

floor as an additional licensed area at the premises. A copy of the current licence is attached at Appendix 3 for information.

Details of the application

- 12 An application for the grant of a premises licence was received by the Licensing Authority on 24th May 2019. A copy of the application is attached at Appendix 4.
- 13 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 14 The activities requested and the revised application timings are now as follows:

| Licensable Activities | Days & Hours |
|--|--|
| Supply of Alcohol (consumption on the premises) | Monday to Sunday: 07:00 to 00:00 hrs. Bank Holidays and Sundays before a Bank Holiday: 07:00 to 00:00 hrs Christmas Eve and New Years Eve: 07:00 to 02:00 hrs |
| Recorded Music (Indoors) | Monday to Sunday: 07:00 to 00:00 hrs. Bank Holidays and Sundays before a Bank Holiday: 07:00 to 00:00 hrs Christmas Eve and New Years Eve: 07:00 to 02:00 hrs |
| Late Night Refreshment (Indoors) | Monday to Sunday: 23:00 to 00:00 hrs. Bank Holidays and Sundays before a Bank Holiday: 23:00 to 00:00 hrs Christmas Eve and New Years Eve: 23:00 to 02:00 hrs |
| Proposed Opening Times | Monday to Sunday: 07:00 to 00:00 hrs. Bank Holidays and Sundays before a Bank Holiday: 07:00 to 00:00 hrs Christmas Eve and New Years Eve: 07:00 to 02:00 hrs |

Please see Appendix 5.

- 15 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 at Appendix 4.
- 16 For Members' information – The Durham Safeguarding Children Partnership and Durham Constabulary mediated with the applicant and additional conditions were agreed. Copies of these conditions are attached at Appendix 6.

The Representations

- 17 During the consultation period, the Licensing Authority received one representation in support of Mr Ahmed's premises licence from Barnard Castle Town Council.
- 18 The Licensing Authority received four representations opposing the application from the following:
 - Mr Mark Anslow, Senior Environmental Health Officer, Durham County Council Environmental Health Authority (Responsible Authority)
 - Mr SN Brummitt and Ms C Henderson (Other persons)
 - Ms E Rowell (Other person)
 - Ms K Brown (Other person)
- 19 The Licensing Authority deemed the representations opposing the application as relevant, relating to the following licensing objectives:
 - The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance

Copies of the representations are attached at Appendix 7.

- 20 The Licensing Authority received comments not amounting to a representation from the Planning Authority.

A copy of these comments are attached at Appendix 8 for information only.

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

- Durham County Council Public Health Department
- County Durham and Darlington Fire Safety Authority

Copies of these responses are attached at Appendix 9.

The Parties

22 The Parties to the hearing will be:

- Mr Shuhel Ahmed (Applicant)
- Mr Mark Anslow, Environmental Health Department (Responsible Authority)
- Mr SN Brummitt and Ms C Henderson (Other persons)
- Ms E Rowell (Other person)
- Ms K Brown (Other person)
- Barnard Castle Town Council (Other person)

Options

23 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

- 24 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

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

See Appendix 1

Conclusion

- 26 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

Contact: Yvonne Raine

Tel: 03000 265256

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

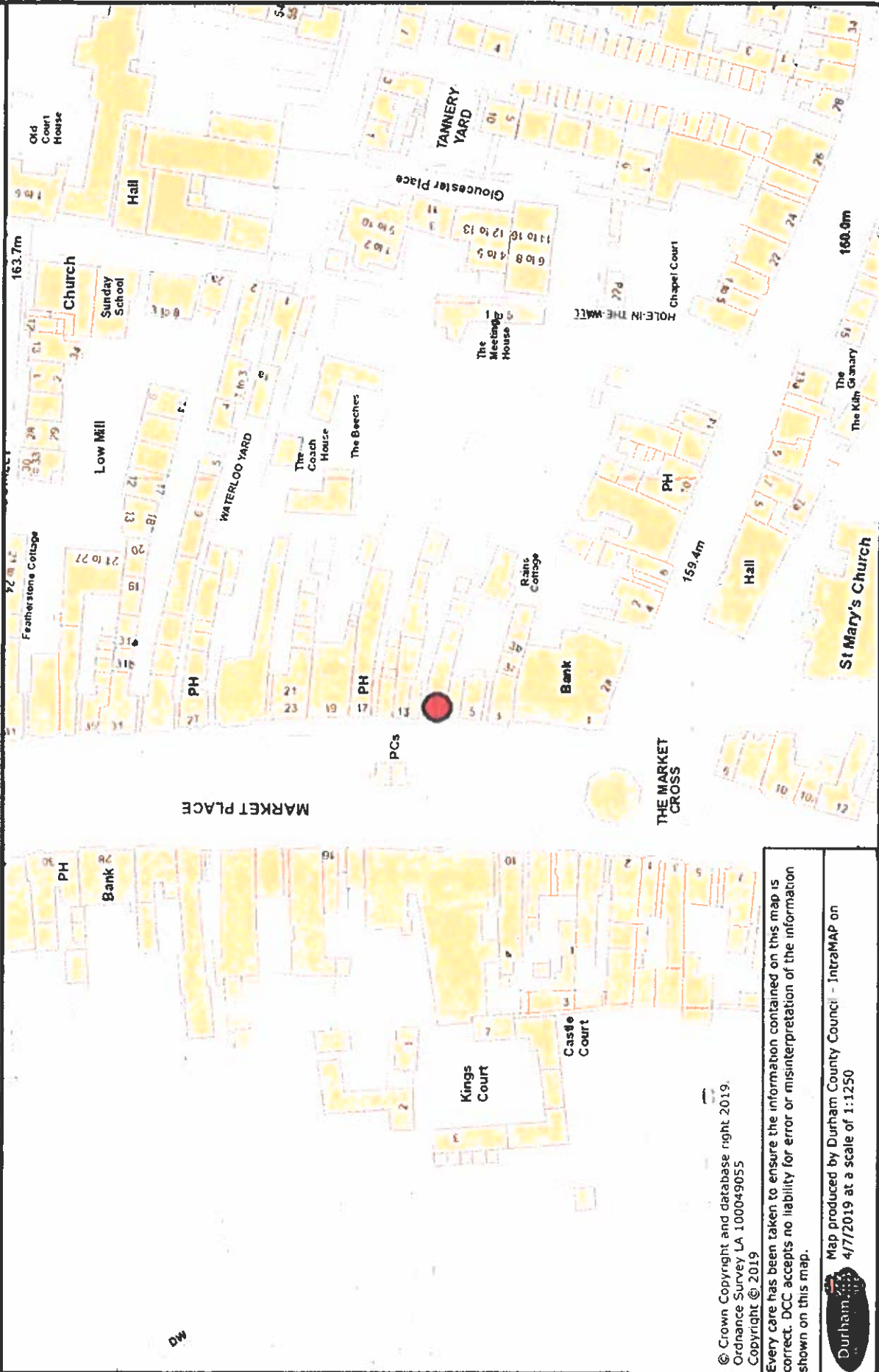
The notice of application was displayed on the premises for a period of 28 days.

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

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

Appendix 2: Location Plan

Durham County Council - IntraMAP



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

Map produced by Durham County Council - IntraMAP on
4/7/2019 at a scale of 1:1250



Appendix 3: Current Premises Licence

LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

| |
|-------------------------|
| PL(A)0098 |
| 24 November 2005 |
| 24 November 2005 |

Part 1 – Premises details

| | |
|---|---|
| Postal address of premises, or if none, ordnance survey map reference or description | Issuing Authority |
| SPICE ISLAND TANDOORI 9 MARKET PLACE BARNARD CASTLE DL12 8NF | DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ |
| Telephone number: | |

| |
|---|
| Where the licence is time limited the dates N/A |
|---|

| |
|--|
| Licensable activities authorised by this licence Sale by retail of alcohol |
|--|

| | |
|--------------------------------------|---|
| Opening Hours of the Premises | |
| Not Stated | Non-standard/seasonal timings N/A |

| |
|---|
| Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales: ON ALCOHOL SALES ONLY |
|---|

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

| | |
|----------------------------------|--------------------------------------|
| Sale by retail of alcohol | Further details |
| Mon 11:00-00:00 | N/A |
| Tue 11:00-00:00 | Non-standard/seasonal timings |
| Wed 11:00-00:00 | Good Friday 12:00 - 23:30 |
| Thu 11:00-00:00 | Christmas Day 12:00 - 23:30 |
| Fri 11:00-00:00 | New Years Eve 11:00 - 00:00 |
| Sat 11:00-00:00 | New Years Day 00:00 - 00:00 |
| Sun 12:00-23:30 | |

Part 2

| | |
|--|-----|
| Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence | |
| MR SHUHEL AHMED | |
| Registered number of holder, for example company number, charity number (where applicable) | |
| Company no: | N/A |
| Charity no: | N/A |

| |
|---|
| Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol |
| MR SHUHEL AHMED |

| |
|---|
| Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol |
| |

Annex 1 – Mandatory conditions

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

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

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

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol -

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

(a) a holographic mark, or

(b) an ultraviolet feature.

The responsible person must ensure that –

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

(i) beer or cider: ½ pint;

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

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

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Price of Alcohol:

1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a

licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

This Premises Licence has been granted upon conversion under schedule 8 of the Licensing Act 2003 of the previous Justices' On Licence, and such rights and restrictions that applied to such Licence are hereby incorporated into this Premises Licence, subject to any express terms to the contrary hereinafter specified, and/or any restriction applying to a Premises Licence and/or any licensable activity.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

The premises are located in Market Place Barnard Castle which is a non residential area. They will operate within the licensing objectives and statement of policy by individuals who have the appropriate personal licences and will ensure that the objectives and licensing policy are adhered to.

The Prevention of Crime & Disorder

The premises have appropriate security in place.

Public Safety

None

The Prevention of Public Nuisance

None

The Protection of Children from Harm

None

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

None

Annex 4 – Plans attached

Attached

**Signature of Authorised Officer
Head of Environment, Health and Consumer Protection**

Appendix 4: New Premises Licence Application

DURHAM COUNTY COUNCIL, Licensing Services, PO Box 617, Durham. DH1 9HZ

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Shuhel Ahmed

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises details

Spice Island

| | | | |
|---|----------------|-----------------|----------|
| Postal address of premises or, if none, ordnance survey map reference or description 9 Market Place | | | |
| Post town | Barnard Castle | Postcode | DL12 8NF |

| | |
|---|---|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £ |

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | |
|---|---|
| <p>a) an individual or individuals *</p> | <p><input checked="" type="checkbox"/> please complete section (A)</p> |
| <p>b) a person other than an individual *</p> <p style="margin-left: 20px;">i as a limited company limited liability partnership</p> <p style="margin-left: 20px;">ii as a partnership (other than limited liability)</p> <p style="margin-left: 20px;">iii as an unincorporated association or</p> | <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> |

- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

| | | | | |
|--|---|---|-----------------------------|--------------------------------|
| M r | <input checked="" type="checkbox"/> Mrs | <input type="checkbox"/> Miss | <input type="checkbox"/> Ms | Other Title (for example, Rev) |
| Surname Ahmed | | First names Shuhel | | |
| Date of birth | | I am 18 years old or over <input checked="" type="checkbox"/> | | Please tick yes |
| Nationality British | | | | |
| Current residential address if different from premises address | | | | |
| Post town | | | | Postcode |
| Daytime contact telephone number | | | | |
| E-mail address (optional) | | | | |

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

SECOND INDIVIDUAL APPLICANT (if applicable)

| | | | | | | |
|---|--|------------------------------|-------------------------------|--|--------------------------------|--|
| Mr <input type="checkbox"/> | | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | | |
| Date of birth | | I am 18 years old or over | | <input type="checkbox"/> Please tick yes | | |
| Nationality | | | | | | |
| Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information) | | | | | | |
| Current residential address if different from premises address | | | | | | |
| Post town | | | | Postcode | | |
| Daytime contact telephone number | | | | | | |
| E-mail address (optional) | | | | | | |

(B) OTHER APPLICANTS

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

| |
|---------|
| Name |
| Address |

| |
|---|
| Registered number (where applicable) |
| Description of applicant (for example, partnership, company, unincorporated association etc.) |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | |
|----|----|------|
| DD | MM | YYYY |
| A | S | A P |

If you wish the licence to be valid only for a limited period, when do you want it to end?

| | | |
|----|----|------|
| DD | MM | YYYY |
| | | |

Please give a general description of the premises (please read guidance note 1)

The Premise will be open from 07.00 to 00.00 Sunday to Wednesday and will be open 07.00 to 02.00 on Thursday, Friday and Saturday.

Coffee and Breakfast/Brunch will be open from 07.00 to 16.00
 Restaurant will be open 16.00 to 22.00
 Cocktail Lounge (upstairs) will be open 16.00 to 00.00 Sunday to Wednesday and the remaining days until 02.00.

Only snacks will be served upstairs and will finish serving at 00.00, the main kitchen will stop serving food at 23.00

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

a) plays (if ticking yes, fill in box A)

- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

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

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

| Plays Standard days and timings (please read guidance note 7) | | | <u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|--|-------|--------|---|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Mon | ----- | ----- | <u>Please give further details here</u> (please read guidance note 4) | | |
| Tue | ----- | ----- | | | |
| Wed | ----- | ----- | <u>State any seasonal variations for performing plays</u> (please read guidance note 5) | | |
| Thur | ----- | ----- | | | |
| Fri | ----- | ----- | <u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Sat | ----- | ----- | | | |
| Sun | ----- | ----- | | | |

B

| | | | | | | | | |
|---|-------|--------|---|----------|--------------------------|---|--|--|
| Films Standard days and timings (please read guidance note 7) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> | | | |
| | | | | Outdoors | <input type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | | | | |
| Mon | ----- | ----- | | | | | | |
| Tue | ----- | ----- | | | | | | |
| Wed | ----- | ----- | | | | State any seasonal variations for the exhibition of films (please read guidance note 5) | | |
| Thur | ----- | ----- | | | | | | |
| Fri | ----- | ----- | | | | Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sat | ----- | ----- | | | | | | |
| Sun | ----- | ----- | | | | | | |

C

| | | | |
|--|--------------|---------------|---|
| Indoor sporting events Standard days and timings (please read guidance note 7) | | | <u>Please give further details</u> (please read guidance note 4) |
| Day | Start | Finish | |
| Mon | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5) |
| Tue | ..... | ..... |  |
| Wed | ..... | ..... |  |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6) |
| Fri | ..... | ..... |  |
| Sat | ..... | ..... |  |
| Sun | ..... | ..... |  |
| | | | |

D

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 7) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | |
| Mon | ..... | ..... |  |  |  |
| Tue | ..... | ..... | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5) | | |
| Wed | ..... | ..... |  |  |  |
| Thur | ..... | ..... | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Fri | ..... | ..... |  |  |  |
| Sat | ..... | ..... |  |  |  |
| Sun | ..... | ..... |  |  |  |

E

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Live music Standard days and timings (please read guidance note 7) | | | <u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 4) | | |
| Mon | ----- | ----- | | | |
| Tue | ----- | ----- | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 5) | | |
| Wed | ----- | ----- | | | |
| Thur | ----- | ----- | <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Fri | ----- | ----- | | | |
| Sat | ----- | ----- | | | |
| Sun | ----- | ----- | | | |

F

| Recorded music Standard days and timings (please read guidance note 7) | | | Will the playing of recorded music take <u>place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
|---|-------|--------|--|----------|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | 07.00 | 00.00 | <u>Please give further details here</u> (please read guidance note 4) The downstairs of the premises will have background music, upstairs in the cocktail lounge music will be slightly louder, but not night club level. | Both | <input type="checkbox"/> |
| Tue | 07.00 | 00.00 | | | |
| Wed | 07.00 | 00.00 | <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) | | |
| Thur | 07.00 | 02.00 | | | |
| Fri | 07.00 | 02.00 | <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) Extensions to 07.00 to 03.00on Bank holiday and Sundays before bank holidays. Extensions to Christmas Eve and New Years Eve to 07.00 to 0.300 | | |
| Sat | 07.00 | 02.00 | | | |
| Sun | 07.00 | 00.00 | | | |

G

| | | | | | |
|---|--------------|---------------|---|----------|--------------------------|
| Performances of dance Standard days and timings (please read guidance note 7) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 4) | | |
| Mon | ..... | ..... |  |  |  |
| Tue | ..... | ..... |  |  |  |
| | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 5) | | |
| Wed | ..... | ..... |  |  |  |
| Thur | ..... | ..... |  |  |  |
| | | | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Fri | ..... | ..... |  |  |  |
| Sat | ..... | ..... |  |  |  |
| Sun | ..... | ..... |  |  |  |

H

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| Mon | ----- | ----- | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | ----- | ----- | <u>Please give further details here</u> (please read guidance note 4) | | |
| Wed | ----- | ----- | | | |
| Thur | ----- | ----- | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5) | | |
| Fri | ----- | ----- | | | |
| Sat | ----- | ----- | <u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Sun | ----- | ----- | | | |

| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
|---|-------|--------|---|----------|-------------------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | 23.00 | 00.00 | <u>Please give further details here</u> (please read guidance note 4) The main kitchen will close at 23.00, but snacks and coffee and drinks will be served up stairs until close at 02.00 | | |
| Tue | 23.00 | 00.00 | | | |
| Wed | 23.00 | 00.00 | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) | | |
| Thur | 23.00 | 02.00 | | | |
| Fri | 23.00 | 02.00 | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) Extensions to 07.00 ^{23.00} to 03.00 on Bank holidays and Sundays before bank holidays. Extensions to Christmas Eve and New Years Eve to 07.00 ^{23.00} to 0.300 | | |
| Sat | 23.00 | 02.00 | | | |
| Sun | 23.00 | 00.00 | | | |

J

| | | | | | |
|---|-------|--------|---|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol for consumption – please tick (please read guidance note 8) | On the premises | <input checked="" type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 5) | | |
| Mon | 07.00 | 00.00 | | | |
| | ----- | ----- | | | |
| Tue | 07.00 | 00.00 | | | |
| | ----- | ----- | | | |
| Wed | 07.00 | 00.00 | | | |
| | ----- | ----- | | | |
| Thur | 07.00 | 02.00 | | | |
| | ----- | ----- | Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Fri | 07.00 | 02.00 | Extensions to 07.00 to 03.00 on Bank holidays and Sundays before bank holidays. | | |
| | ----- | ----- | Extensions to Christmas Eve and New Years Eve to 07.00 to 03.00 | | |
| Sat | 07.00 | 02.00 | | | |
| | ----- | ----- | | | |
| Sun | 07.00 | 00.00 | | | |
| | ----- | ----- | | | |

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

| | |
|---|--------------|
| Name | Shuhel Ahmed |
| Date of birth | _____ |
| Address | _____ |
| Postcode | _____ |
| Personal licence number (if known) | |
| Issuing licensing authority (if known) | |

| | | | |
|-----|-------|-------|--|
| | | | |
| Sun | 07.00 | 00.00 | |
| | | | |

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

We will make a safe, responsible environment through staff training, and security implementations. We will work closely with local licensing authorities, local police and community leaders to promote a responsible environment. A culture we will instil in our staff and company attitude.

b) The prevention of crime and disorder

No sale of alcohol to intoxicated customers
 Signs will be in place to request customers to leave in a respectful manner, reinforced by staff.
 CCTV will be installed, recorded and will monitor, entrances, exists and other areas of the restaurant to prevent crime.
 Work closely with the police are well trained in conflict handling and procedure for troublesome customers.
 Incident book kept and maintained
 No open alcoholic or soft drinks will be allowed to be taken off the premises
 Taxi numbers will be displayed to discourage drink diving

c) Public safety

Areas will be well lit and level to reduce accidents.
 Staff will be trained in the implementation of ID checks.
 There will be no sale of alcohol to under 18's.
 Trained Visible doorman/security on busy periods.
 The building will be completely refurbished and all fittings, lights, chairs, tables etc will be maintained and kept to a high standard. In issues will be quickly rectified.
 Warning notices of CCTV in operation
 Incident book kept and maintained
 No open alcoholic or soft drinks will be allowed to be taken off the premises
 Irresponsible alcohol consumption will not be tolerated.
 All staff will be trained of emergency policy.
 Free drinking water available
 Taxi numbers will be displayed to discourage drink diving
 Gas and Electric systems will be maintained and checked by accredited engineers

d) The prevention of public nuisance

Soundproofing and noise reduction in restaurant.
 Clear signs promoting customers to leave the restaurant respectfully.
 Customers migrating outside premises late at night will be asked to move.
 Customers will not be admitted into the restaurant after closing hours.
 Not in residential area, alongside other bar.
 Kitchen closes at 11pm, to reduce sound pollution.
 No open alcoholic or soft drinks will be allowed to be taken off the premises
 Taxi numbers will be displayed to discourage drink diving
 Staff will patrol premises to discourage anti-social behaviour
 Ambient music volume will be controlled by DPS, enforced by a volume limiter.

e) The protection of children from harm

Challenge 25' Scheme will be in place, reinforced by signage
 Children accompanied by an adult or guardian are allowed in the restaurant all the way to close at 22.00..
 Training will be provided and will be reinforced by employee handbook.
 No under 18's will be allowed in the upstairs reinforced by signage and security checks
 CCTV will be installed, recorded and will monitor, entrances, exits and other areas of the restaurant to prevent crime.
 Visual security personnel in busy periods.
 Incident book kept and maintained
 No open alcoholic or soft drinks will be allowed to be taken off the premises
 Taxi numbers will be displayed to discourage drink diving
 The only type of ID that will be accepted is PASS accredited ID, passport or photo driving licence.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- {Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships} I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE

WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

| | |
|--------------------|---|
| Declaration | <ul style="list-style-type: none"> • [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 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15) |
| Signature | _____ |
| Date | 17/05/2019 |
| Capacity | Manager |

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

| | |
|------------------|--|
| Signature | |
| Date | |
| Capacity | |

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Post town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you by email, your email address (optional)

Notes for Guidance

1. Describe 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.
2. 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

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|--------------------|---|
| Declaration | <ul style="list-style-type: none"> • [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 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15) |
| Signature | |
| Date | 17/05/2019 |
| Capacity | Manager |

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

| | | | |
|---|--|----------|--|
| | | Postcode | |
| Post town | | | |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by email, your email address (optional) | | | |

Appendix 5: Applicant's request to revise timings

Carol Graham - Licensing Assistant (N'hoods)

To: Shuhel Ahmed
Subject: RE: Spice Island

Good morning

I confirm that you wish to amend your licensable activities and opening hours as below

Monday to Sunday opening times : 07.00 to 00.00
with the extensions:
on Sundays before bank Holidays and bank holidays open till 00.00
Christmas Eve and News Year Eve open until 02.00

Thanks

Carol Graham
Licensing Officer
Environment, Health & Consumer Protection
Regeneration and Local Services
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

Direct: 1
Switchboard: 03000 260000
E-mail:

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From: Shuhel Ahmed <
Sent: 04 June 2019 16:05
To: Carol Graham - Licensing Assistant (N'hoods) <
Subject: Spice Island

Shuhel Ahmed
9 Market Place
Barnard Castle

DL12 8NF

After consultation from the Licensing department and the Police authority I would like to make some changes to the application concerning opening hours, with the premise of a review in 6 months time and a variation application.

New proposed hours:

Monday to Sunday opening times : 07.00 to 00.00

with the extensions:

on Sundays before bank Holidays and bank holidays open till 00.00

Christmas Eve and News Year Eve open until 02.00

Appendix 6: Additional conditions following mediation

Carol Graham - Licensing Assistant (N'hoods)

From: AHS Licensing
Sent: 03 June 2019 08:44
To: Helen Johnson - Licensing Team Leader (N'hoods); Carol Graham - Licensing Assistant (N'hoods)
Subject: Spice Island Barnard Castle

fyi

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

Direct: 03000 261016
General Licensing: 03000 261016
E-mail:

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-----Original Message-----

From: Shuhel Ahmed <shuhel.ahmed@durham.gov.uk>
Sent: 31 May 2019 15:58
To: AHS Licensing <Licensing@durham.gov.uk>
Subject: SB/2019/051

Shuhel Ahmed
9 Market Place
Barnard Castle
DL12 8NF

I am happy to accept all the recommendations that M Quinn has asked for to be implemented in the premise for alcohols sales.

If you have any further enquiries please contact me.

Thank you

Shuhel Ahmed

Sent from my iPhone

Carol Graham - Licensing Assistant (N'hoods)

From: Mark Quinn
Sent: 31 May 2019 15:27
To:
Cc: Carol Graham - Licensing Assistant (N'hoods); AHS Licensing
Subject: Licensing - new premises licence application - Spice Island, Barnard Castle

Good Afternoon,

I represent the Durham Safeguarding Children Partnership (DSCP) which is a responsible authority under the licensing act. I have received a copy of your application for a premises licence for your premises at **Spice Island, 9 Market Place, Barnard Castle. DL12 8NF**

I welcome your proposal for age verification and the training of staff.

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I consider that the steps require more clarity and there are some matters which I consider are absent and should be addressed.

(Any premises licence should include a mandatory condition that an age verification policy is operated. Durham Local Safeguarding Children Board recommends and promotes the Challenge 25 standard)

The steps I consider should be included are identified in the proposed wording below:

- **Minimise the risk of proxy sales** – The applicant will work with the police to minimise the risk of proxy provision / proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).
- **Maintain a refusals register** – where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register / log to be updated. The register to be made available to the police on request.

The purpose of this email is to make the LSCB representations to you and for you to consider these suggestions.

Next Steps – You need to consider the representations I have made.

If you are happy for the recommendations to be included in your application please confirm so by replying to me and the Licensing Section Licensing@durham.gov.uk

These recommendations will then be included in your application, the matter is deemed resolved and your application would progress.

The Durham Safeguarding Children Partnership are concerned about the availability of alcohol to children and encourage licensees to work with us in introducing steps, like those above in an attempt to safeguard children. I consider these steps are proportionate and have proven to be successful when implemented in similar applications.

Please don't hesitate to contact me if you require further information.

My Ref: SB/2019/051

Regards

Mark Quinn
Quality and Performance Coordinator
Durham Safeguarding Children Partnership

Tel.

County Hall
Durham
DH1 5UJ

[SECURE TO PERSONAL EMAIL]

[SECURE TO TEAM EMAIL]

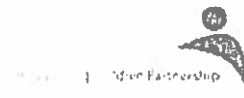
dscpsecure@durham.gov.uk



Durham Safeguarding Children Partnership (DSCP)

Keeping Children Safe

dscpsecure@durham.gov.uk
www.durham-scp.org.uk



Carol Graham - Licensing Assistant (N'hoods)

From: Helen Johnson - Licensing Team Leader (N'hoods)
Sent: 10 June 2019 09:20
To: Carol Graham - Licensing Assistant (N'hoods)
Cc: Mandy McAllister
Subject: FW: Spice island Barnard Castle

Hi Carol

Please see below list of conditions the applicant has agreed to. I believe he has already amended his times with us.

Thanks

Helen Johnson
Licensing Team Leader
Environment, Health and Consumer Protection
Regeneration and Local Services

Direct:
Mobile:
Email:

Web: www.durham.gov.uk
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From: Shuhel Ahmed <
Sent: 07 June 2019 16:58
To: Helen Johnson - Licensing Team Leader (N'hoods) <
Subject: Re: Spice island Barnard Castle

I have agreed all these conditions and happy to implement them.

Thankyou

Sent from my iPhone

On 7 Jun 2019, at 15:41, Helen Johnson - Licensing Team Leader (N'hoods) <
wrote:

Dear Mr Ahmed

I have received a response from the Police in regards to the New Premises licence application for Spice Island.

I believe you have already agreed to reduce your hours however, the Police have requested the following conditions to be added to the operating schedule:

1. CCTV system will be installed and maintained in good working order and be correctly time and date stamped. The system will incorporate sufficient built in-hard drive capacity to suit the number of cameras installed.
2. CCTV will be provided in the form of a recordable system, capable of providing pictures particularly facial recognition. Cameras shall encompass all entrances and exists to the premise, where the sale/supply of alcohol occurs.
3. CCTV recordings will be kept for minimum of 28 Days and stored in a secure place and can be provided to police and authorised officers of the Local Authority for inspection.
4. The Licence Holder, DPS, Manager shall inspect and test the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.
5. A Challenge 25 policy will be implemented with all staff insisting on evidence of age from any person appearing to be under 25 years of age and who is attempting to buy alcohol. There shall be notices displayed at prominent positions around the premises advising customers of the Proof of Age policy in force at the premises.
6. All staff shall be trained in the Proof of Age policy and the only acceptable evidence of age will be a valid photo identification confirming the purchasers age, namely a passport, photo driving licence or PASS approved proof of age card such as a Validate card or Citizen Card. All refusals will be recorded in a refusals register.
7. The premises shall employ a minimum of 2 SIA door supervisors to patrol internal and external areas of the premises when the premises is open after 00.00.
8. All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the 2003 Act and conditions of the premises licence. Staff will be trained in how to identify drunk or drug impaired customers.
9. Written training records are to be kept for every member of staff and endorsed after every training session. Training shall be repeated biannually and will be made available to police and authorised officers of the Licensing Authority on request.
10. The premises licence holder is to undertake right to work checks on all staff who are employed at the licensed premise in a paid or unpaid capacity. A copy of any documents checked as part of the right to work check are to be retained at the licenced premises. These documents will be made available to officers and responsible authorities when requested.
11. Children under the age of 18 will not be allowed entry to or remain on the premises after 22.00.

12. The licence holder, designated premises supervisor or manager shall actively participate in any local Pub watch or similar scheme and shall be a member of any local radio scheme that allows to contact other venues in the area.
13. An incident record shall be kept on the premises, recording any incidents of disorder, seizures of drugs or offensive weapons, record of persons been ejected from the premises and issues with the CCTV system. This will be available for inspection by the police or an authorised officer of the Licensing Authority at all times the premises are open.

Could you please consider the above conditions and if you agree to them to respond stating you wish to amend your application to include them?

Kind regards

Helen Johnson
Licensing Team Leader
Environment, Health and Consumer Protection
Regeneration and Local Services

Direct:
Mobile:
Email:

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Appendix 7: Representations

Yvonne Raine

From: Michael King <
Sent: 03 June 2019 17:24
To: AHS Licensing
Subject: Comment on Licensing Application

Categories: Carol

At its meeting on 3 June 2019, the town council's Planning Committee, acting under its delegated powers, resolved to support the application in respect of Spice Island, 9 Market Place, Barnard Castle, DL12 8NF.

Regards,

Michael King
Town Clerk

Barnard Castle Town Council

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Yvonne Raine

From: Mark Anslow
Sent: 18 June 2019 09:31
To: AHS Licensing
Subject: Representation Spice Island, 9 Market Place, Barnard Castle

Dear Sir/Madam

Environmental Health Licencing representation
Application Type - Application for a new Premises Licence
Applicant: - Mr Shuhel Ahmed
Premises – Spice Island, 9 Market Place, Barnard Castle. DL12 8NF
Date of Application – 24 May 2019 Last date for representations – 21 June 2019
Licensing Objective: The prevention of Public Nuisance
Officer: Mark Anslow, Senior Environmental Health Officer

I have visited the site and spoken to a representative of the applicant which has helped me to understand the access requirements of the proposed licensable area. The main access to the area is not via the main restaurant as initial thought from the plans, however is via an external staircase in the side alley. Unfortunately, the staircase is in close proximity to residential premises, and it is therefore expected that noise from patrons using the specific access and egress is likely to lead to a disruptive level of noise to surrounding residents. In addition the internal layout is such that no lobby is provided and therefore this allows the break out of music noise from inside the premises which is also likely to affect the nearby residents. The affect of noise within this locale is further compounded by the restrictive nature of the alley which is likely to result in retention of any noise. The alley is off the main street location and currently only used for access to the service areas of the restaurant and residential units, as such it is expected that there is little noise that currently affects this location.

The application has been amended since initial consultation to reduce opening hours to 07.00-00.00 on any day, rather than the initial application of 07.00-02.00 on Thursday, Friday and Saturday. This helps to reduce the potential impact of noise arising from the premises. However even with the proposed amendments the granting of the licence would potential allow for noise amounting to a public nuisance to continue till 00.00 any night of the week. Should access/egress be restricted to the internal staircase only then the above concerns are removed. However in discussions with the applicants representative it was indicated that this would not be acceptable. Unfortunately, other than the above restriction, I am unable to identify relevant conditions that might reduce the impact to an acceptable level. As such I would make representation against the granting of the premises licence.

regards

Mark Anslow
Senior Environmental Health Officer
Environment, Health & Consumer Protection
Regeneration and Local Services
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

Direct:

Switchboard: 03000 260000

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Mr S. N. Brummitt

Durham County Council.
licensing.
P.O. Box 617,
Durham.
DH1 - 9HZ.

Dear Sir, Madame,

Re:- Spice Island, Barnard Castle, licensing.

We wish to Object to the above application, and the opening hours, further Noise Pollution in this Residential area is Unacceptable, surely a Precedent has Already been set by yourselves turning Down a Development by MR + MRS at P doors away.

Noise travels, we already have to suffer empty Kegs and Full ones being moved around most nights with No Consideration for Residents in adjoining properties, we are further concerned that the Access in the shared Alleyway will be used by Smokers and Drinkers, this area adjoins and backs onto

Residential Bedrooms of Properties, some who are retired, and already face Sleep Deprivation because of the Noise from Extraction and Air Conditioning Units, Whirring till late at Night.

Barnard Castle is a Historic Market Town with the Police Station CLOSED:- Sat + Sun and NOT the Metropolis of Teesdale.

yours faithfully

S.N. BRUMMIT

Ms C . HENDERSON

Mr. S. N. Brummitt,

Durham County Council,
Helen Johnson (licensing)
P.O. Box 617,
Durham,
DH1 9HZ

15th June 2019

Dear Madame,

Re:- New Premises license Application, Spice Island,
9, Market Place Barnard Castle.

I am in receipt of your letter of 13 inst, and reply as follows.

Please Note:- Our representation to this application still stands, and I further endorse it as we are entitled to a quality of life in our own Home.

A Monday to Sunday 07.00 until Midnight :- These are opening Hours for a International Airport or Train Station NOT a proposed development of a Restaurant in a Market Town, (ALL THE WORK IS BEING CARRIED OUT, EVEN THOUGH PLANNING IS NOT PASSED)

B What has been the turnover of Staff in the last 12 months, considering they are to receive

training, and what age are they
i.e. is a 18 year old going to tell a 24 year old
they cannot enter.

C/ Clause 7. States :- That 2 SIA Door Supervisors
will be employed after 00.00 Hrs (FOR A RESTAURANT)
but why when it closes at Midnight.

D/ Trained Visible Doorman/ Security on Busy Periods
are mentioned in Public Safety :- Who are well
trained in CONFLICT handling and procedure for
Troublesome Customers.

Once again is this a Restaurant or A NIGHT CLUB

E/ As the Kitchen Closes at 11.00pm to REDUCE sound
pollution and customers will NOT be admitted into
the restaurant after CLOSING HOURS (Their Statement
of Facts) I presume the Doors would be locked at
11.00p.m.

F/ The Licensing Panel has ALREADY turned down a
application Two doors away, Surely this is a President
in a Residential Area

G/ Our Bedrooms back on to this Restaurant, and we
already suffer Sleep Deprivation through there
Noise Pollution enough is enough.
Yours faithfully

S.N. BRUMMITI

C. HENDERSON

2 of 2

Yvonne Raine

From: E Rowell
Sent: 16 June 2019 21:51
To: AHS Licensing
Subject: Spice Island, 9 Market Place, Barnard Castle, DL12 9PL.

To Whom it may Concern,

I am writing, to object to the application above.

I am the lease holder of the bookshop adjoining the property.

I am concerned about the variation or new licence to sell alcohol at the above address, I feel this would;

1) Create an enclave of drinkers and smokers leading to noise nuisance and litter in the shared yard between our two properties. The Yard is historic and a feature of the vernacular architecture of Barnard Castle.

There have always been a combination of commercial and residential properties in the historic yards, however they are respected as shared areas. Spice Island is not honouring that tradition and is proposing to build across the yard and use it as access to prevent revellers from walking through the ground floor Restaurant access which is on the High Street and as a covered smoking area for drinkers at the proposed Cocktail Bar.

This will be a detriment to my business and it will impede my ability to access and develop my property in the shared Yard.

At present before further development the level of rubbish from the Restaurant and smokers using the Restaurant and The R two doors down is a concern. I have a Cafe and Bookshop and open at 9am. The owners of Spice Island and The R do not clear up after service and the mess is left to me and my staff the following morning. The local Street cleaners are aware of the problem and have tried to deal with it by contacting the owners of both businesses, however this hasn't resulted in any improvement. There is often broken glass, vomit and blood along with cigarette rubbish around my property and on my doorstep. I do not welcome an increase in this street rubbish. On Fridays when rubbish is collected from the Market Place, Spice Island leave their bins out until 3pm, when the staff arrive for service. These are invariably left outside the bookshop. The bins are not cleaned and are very contaminated with waste food. I have a table licence for tables outside my cafe, often on Fridays I cannot attract diners to use my outside tables because of the state of Spice Island bins, which smell offensive and attract insects. I have asked for them to be moved sooner but my requests are ignored. The increase in Customers at Spice Island will create further need for more bins. This will increase the nuisance this creates for my business and for the public using the footpath.

2) Barnard Castle already has two late drinking venues; The F and The W. To create another late night drinking venue in such a small market town, very close together will change the culture of Barnard Castle's night time economy, driving up the petty crime and anti social behaviour associated with late night drinking. A consideration must also be made of the relative isolation of Barnard Castle, increasing the potential of drink driving. All of this will increase pressure on the local Constabulary at a time of unprecedented cuts.

3) In their Planning Application, Spice Island are proposing to erect a platform and fire escape, in addition to a wooden extension in the Yard to house a pot washing area. This will leave a fairly congested covered area for smoking and access to the proposed first floor Cocktail Bar.

There has been no assessment of the noise nuisance from the flying freehold into my property or the access to my rear stores.

I cannot see on the planning portal any consideration made of this.

During the building works, I have had to abandon several evening events due to the noise of the construction. This indicates that without measures to reduce noise between my property and Spice Island my potential to extend and expand my reading groups, book launches etc will be severely affected. If there is an increase in Revellers using the passage way which is my leasehold property, my ability to use my property in the evenings will be severely affected by noise.

I would be grateful if my objections are considered in this application for further Licensing for the sale of alcohol from ~~0700-0200~~, 0300 on Bank Holidays and Christmas and New Year.

Yours Sincerely,
E Rowell.

Sent from my iPad

Yvonne Raine

From: E Rowell
Sent: 18 June 2019 21:15
To: Yvonne Raine
Subject: Re: Re Premises licence application - Spice Island, 9 Market Place, Barnard Castle

Dear Yvonne,
Thank you for your email.

I will not withdraw my objection.

I feel strongly that the Applicant is not of sufficient good character to manage the responsibility required as a Licensee.

During the works to improve the premises the Licensee has on several occasions threatened me and behaved inappropriately towards me, the most recent resulting in one of my regular customers calling the Police. I have found him to be a potentially violent and abusive man.

Whereas I have no objection to the owners of Spice island improving and developing their business I am not confident that the proposed Licensee has the discipline and character to manage a late night alcohol licence and deal fairly and effectively with the challenges that would present him. I believe he would not be able to contain his anger and that this would result in an escalation of violence and potential breaches to public order. This would affect my business and the residents who live on Sayers Yard and the surrounding area.

I would be grateful if my objection remained, despite the modest change in hours.

Yours Sincerely,

E Rowell

Yvonne Raine

From: Ki Brown <
Sent: 17 June 2019 22:13
To: AHS Licensing
Subject: Concerns regarding Spice Island, Barnard Castle

In reference to the proposed licensing permission of:

Spice Island,

9 Market Place

Barnard Castle

DL12 9PL

I occupy a flat in The planning application for the property development at the above address directly effects me and my main concerns are as follows:

- Noise Pollution

I will be directly effected by noise as I can already hear gas or cooling systems, voices and noises from building work currently being carried out from my living space. If the area beyond my wall is to become a bar area, is there going to be adequate sound proofing if music will be played until the early hours? I am already disturbed by music played till late from a property two doors away.

- Security & Safety

As the plans show, the exit from my flat will be underneath the canopy supporting the emergency exit stair way. This is my only access to the property. This area, I assume will become a smoking area. The opening hours suggested by Spice Island will result in me having to walk through smokers and drinkers to get into my flat. I am a young single female and frequently have my younger sister to visit on weekends, I will not feel comfortable for myself or my sibling, bringing her to and from the building during opening hours.

- Cleanliness

The yard itself is already effected by drunks, often has vomit and cigarette ends around my door. I am not happy that there may be an increase in this as the number of people using the passageway and yard will undoubtedly increase, adding to the current situation.

I am concerned that the new development would increase noise, rubbish and disturbance that I already experience. I would like all to be considered.

Appendix 8: Planning response

From: Jill Conroy
Sent: 21 June 2019 10:19
To: Helen Johnson - Licensing Team Leader (N'hoods) <
Cc: Carol Graham - Licensing Assistant (N'hoods) <
Subject: CON28/19/01480 - Spice Island, 9 Market Place, Barnard Castle, DL12 8NF

Dear Helen,

I write in reference to the licensing application above.

Please find the Local Planning Authority response below: -

Conditional planning permission was granted for a change of use from shop (Class A1) to take away sandwich bar (Class A3) at 9 Market Place, Barnard Castle.

Condition 2 stated that: –

The closing times of the premises shall be no later than 11.30pm on Sundays to Fridays inclusive, and 12.00 midnight on Saturdays.

Currently applications are also being considered for planning permission and listed building consent for replacement of shop front, erection of extension and landscaping to rear yard. Change of use of first floor to restaurant bar and installation of emergency fire exit and staircase to rear of the premises (DM/19/00622/FPA and DM/19/00623/LB).

From the information submitted with the Licensing application and based on recent amendments it would appear that the applicant intends to open from 07:00 to 00:00 Monday – Sunday inclusive (including bank holidays) and 07:00 – 02:00 on Christmas Eve and New Year's Eve.

The application details an external staircase to be used as separate access to the first floor restaurant bar. The licencing application details different opening times for the first floor bar thus suggesting it is to be used independently from the restaurant.

On the basis of the information which has been submitted and notwithstanding the applications which are currently being determined, I consider that the first floor element of the development will require a change of use application to a separate drinking establishment (Class A4). I would however express reservations with regard to such a proposal based on noise and disturbance likely to be experienced by adjacent residential properties.

In the event of any formal submission Noise mitigation details would be required to be submitted to fully assess this impact.

I trust this is of assistance.

Kind regards,

Jill Conroy

MScTP | Planning Officer | Development Management

Durham County Council
Planning Development (South West)
County Hall
Durham
DH1 5UL

Appendix 9: Responsible Authority responses

Carol Graham - Licensing Assistant (N'hoods)

From: Sean Barry
Sent: 13 June 2019 19:35
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: RE: Licensing - new premises licence application - Spice Island, Barnard Castle

Good Afternoon

I have received a new licence application for the establishment: Spice Island, 9 Market Place, Barnard Castle. DL12 8NF

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

My Ref: PH/2019/052

Thanks
Sean

Carol Graham - Licensing Assistant (N'hoods)

From: FS-Darlington < >
Sent: 05 June 2019 17:44
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: RE: Licensing - new premises licence application - Spice Island, Barnard Castle

Hello

The Fire Authority will be making no representations in response to this application.

Kind regards

Joanne Brenkley

Business Fire Safety Officer

Tel:

Mob

Email

www.ddfire.gov.uk

Safest People, Safest Places

2 or 3 breaths of toxic smoke and you're unconscious

Don't drown in toxic smoke

Test your smoke alarm today

Appendix 10: Statement of Licensing Policy

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 14 television in certain premises should be considered by applicants, licensees 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 dependent 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

8.1 The Act covers a wide range of premises that require Licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants.

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.

Appendix B. Framework Licensing Hours - recommended hours for the operation of licensable activities (the sale of alcohol and the provision of late night refreshment) for categories of licensed premises situated within the County of Durham.

| Category of Premise | Weekdays (Sunday to Thursday) | Weekends (Friday night into Saturday morning and Saturday night into Sunday morning) | Bank Holidays |
|---|--------------------------------------|---|---|
| For premises licences and club premises certificates authorising the sale or supply of alcohol for consumption on or off the premises | 07.00 to 00.00 | 07.00 to 01.00 | Good Friday Plus 1 Hour For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour). |
| For licences not including the sale or supply of alcohol | 07.00 to 23.30 | 07.00 to 00.30 | Good Friday Plus 1 Hour For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour). |
| For licences not including the sale or supply of alcohol (community centres, village halls) | 07.00 to 00.00 | 07.00 to 01.00 | Good Friday Plus 1 Hour For all other bank holidays, an additional hour be added to the terminal hour of |

| | | | |
|---|-------|-------|--|
| | | | <p>the day preceding the bank holiday</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p> |
| <p>For licences authorising late night refreshment as the primary licensable activity (takeaways)</p> | 01.00 | 02.00 | <p>Good Friday Plus 1 Hour</p> <p>For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p> |

Appendix 11: Section 182 Guidance

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.

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 Act¹, 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

¹ 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.