

Statutory Licensing Sub-Committee

9th July 2020

Application for the grant of a Premises Licence

Ordinary Decision



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

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

Electoral division(s) affected:

West Auckland, Bishop Auckland

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a Premises Licence for The Gables Pod Camping, Three Lane Ends, Escomb, Bishop Auckland, County Durham DL14 7SR.
- 2 A plan showing the location of the premises is attached at Appendix 2.
- 3 A Sub-Committee hearing to determine this application had been initially arranged for 31st March 2020 but this meeting was subsequently cancelled due to the Covid 19 crisis. In accordance with Regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Authority extended the time limit for hearing this application and served notice of this on all parties.

Executive summary

- 4 The application requests the granting of a new Premises Licence for a small glamping site and was submitted to the Licensing Authority on 27th January 2020 by the applicant, Mrs Susan Brierley.
- 5 The application originally requested the Supply of Alcohol for consumption on and off the premises from 11:00 hrs until 00:00 hrs Monday to Sunday, the provision of Recorded Music from 10:00 hrs until 00:00 hrs Monday to Sunday and the provision of Live Music and Performances of Dance from 12:00 hrs until 00:00 hrs Monday to Sunday.

- 6 On 10th February 2020, following mediation with the Environmental Health Authority, Mrs Brierley amended the application to revise the timings for Recorded Music, Live Music and Performances of Dance so that these activities would cease at 23:00 hrs.
- 7 On 12th February 2020, Mrs Brierley further amended the application to include some additional conditions following mediation with Durham Constabulary.
- 8 On 26th February 2020, Mrs Brierley provided some additional information in support of her premises licence application which was circulated to all persons making representation.
- 9 During the consultation period, 6 objections from 'other persons' were received: 2 of these objections were later withdrawn. There remain 4 objections to the application.
- 10 The Licensing Authority also received 4 representations in support of the premises licence application.
- 11 Comments not amounting to a representation were received from Durham County Council's Planning Department.
- 12 The Fire Safety Authority and Durham County Council's Health and Safety Department replied to the consultation with no comments.

Recommendation(s)

- 13 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 14 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 11;
 - (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 12.

Background

15 Background information

Applicants	Mrs Susan Margaret Brierley	
Type of Application: New Premises Licence	Date received: 27th January 2020	Consultation ended: 24th February 2020

Details of the application

- 16 An application for the grant of a new Premises Licence was received by the Licensing Authority on 27th January 2020. A copy of the application is attached at Appendix 3.
- 17 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 18 On 10th February 2020, following mediation with the Environmental Health Authority, Mrs Brierley amended the application to revise the timings for Recorded Music, Live Music and Performances of Dance so that these activities would cease at 23:00 hrs.

For confirmation, please see Appendix 4.

- 19 Following the applicant's amendments to the application, the activities requested, and the revised timings are now as follows:

Licensable Activities	Days & Hours
Supply of Alcohol (consumption on and off the premises)	Monday to Sunday: 11:00 to 00:00 hrs
Recorded Music (Indoors and outdoors)	Monday to Sunday: 10:00 to 23:00 hrs
Live Music and Performances of Dance (Indoors and outdoors)	Monday to Sunday: 12:00 to 23:00 hrs
Open to the public	Monday to Sunday: 00:00 to 00:00 hrs

20 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 3.

21 On 12th February 2020, following mediation with Durham Constabulary, the applicant added some additional conditions to the application.

For full details of these conditions, please see Appendix 5.

22 On 26th February 2020, the applicant also provided some additional information in support the application.

For full details of the additional information, please see Appendix 6.

The Representations

23 During the consultation period, the Licensing Authority received 6 objections from `other persons`: 2 of these objections were later withdrawn as the applicant's amendments to the application alleviated their initial concerns.

There remain 4 objections to the application from the following persons:

- Mr N & Mrs C Barratt-Atkin & sons (Other persons)
- S Waugh (Other person)
- Mr N & Mrs S Pattinson (Other persons)
- Ms E Pattinson (Other person)

24 The Licensing Authority deemed the objections/representations as relevant, relating to the following licensing objectives:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance

Copies of the objections/representations are attached at Appendix 7.

25 The Licensing Authority also received 4 representations in support of the premises licence application from the following persons:

- Ms J Welford (Other person)
- Mr R & Mrs E Thomson (Other persons)
- Ms J Sutherst (Other person)
- Ms L Orrell (Other person)

Copies of the representations in support of the application are attached at Appendix 8.

- 26 Comments not amounting to a representation were received from Durham County Council's Planning Department. A copy of the Planning response is attached at Appendix 9 for information only.
- 27 Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the application:
- County Durham and Darlington Fire Safety Authority
 - Durham County Council's Health & Safety Authority

Copies of these responses are attached at Appendix 10, for information only.

The Parties

- 28 The Parties to the hearing will be:
- Mrs Susan Margaret Brierley (applicant)
 - Mr N & Mrs C Barratt-Atkin & sons (Other persons)
 - S Waugh (Other person)
 - Mr N & Mrs S Pattinson (Other persons)
 - Ms E Pattinson (Other person)
 - Ms J Welford (Other person)
 - Mr R & Mrs E Thomson (Other persons)
 - Ms J Sutherst (Other person)
 - Ms L Orrell (Other person)

Options

- 29 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

- 30 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

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

See Appendix 1

Conclusion

- 32 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.

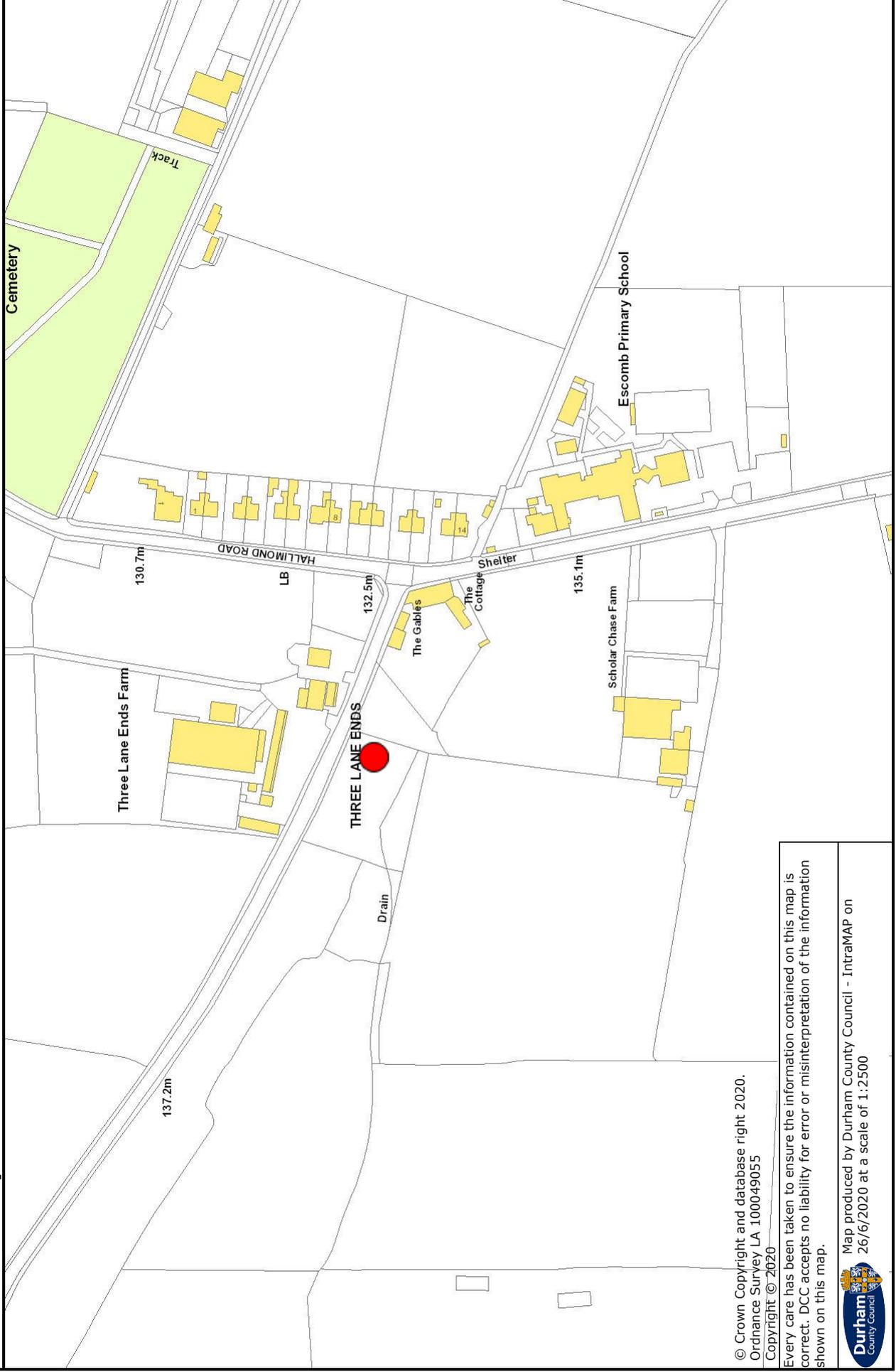
The notice of application was displayed on the premises for a period of 28 days.

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
26/6/2020 at a scale of 1:2500



Appendix 3: 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 SUSAN BRIERLEY
(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

Postal address of premises or, if none, Ordnance Survey map reference or description			
THE GABLES POD CAMPING THREE LAKE EDS, ESCOMB BISHOP AUCKLAND			
Post town	COUNTY DURHAM	Postcode	DL1475R

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	03	2020

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)

WE ARE A SMALL GLAMPING SITE WITH A LICENCE TO HOLD WEDDINGS. WE WOULD LIKE THE PROVISION TO HOLD MOTHER DAY EVENT AND AFTERNOON TEAS ALONG WITH PROVIDING A WELL PROVISIONED GLAMPING SITE.

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

- 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)

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

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 over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal 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)

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play 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					
			State any seasonal variations for performing plays (please read guidance note 5)		
Tue					
			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 (please read guidance note 6)		
Wed					
Thur					
Fri					
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					
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Tue					
			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)		
Wed					
Thur					
Fri					
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				<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)
Thur				
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)			Will the performance of live music take place <u>indoors or outdoors or both - please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12:00	00:00	Please give further details here (please read guidance note 4) MUSIC MAY OR MAY NOT BE AMPLIFIED	Both	<input checked="" type="checkbox"/>
Tue	12:00	00:00			
Wed	12:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	12:00	00:00			
Fri	12:00	00:00	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 (please read guidance note 6) NONE		
Sat	12:00	00:00			
Sun	12:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	00:00	Please give further details here (please read guidance note 4) RECORDED MUSIC FOR WEDDINGS AND DANCE / RECEPTION	Both	<input checked="" type="checkbox"/>
Tue	10:00	00:00			
Wed	10:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	10:00	00:00			
Fri	10:00	00:00	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 (please read guidance note 6)		
Sat	10:00	00:00			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12'00	0000	Please give further details here (please read guidance note 4) POTENTIAL DANCE RECITALS FROM LOCAL DANCE SCHOOLS OR ADULT DANCERS	Both	<input checked="" type="checkbox"/>
Tue	1200	0000			
Wed	1200	0000	State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	1200	0000			
Fri	1200	0000	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 (please read guidance note 6)		
Sat	1200	0000			
Sun	1200	0000			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur					
Fri			<p><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)</p>		
Sat			<p><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)</p>		
Sun					

I

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 type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>			
Mon			<u>Please give further details here (please read guidance note 4)</u>			
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment (please read guidance note 5)</u>			
Thur						
Fri			<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 (please read guidance note 6)</u>			
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	11 00	00 00						
Tue	11 00	00 00						
Wed	11 00	00 00						
Thur	11 00	00 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	11 00	00 00						
Sat	11 00	00 00						
Sun	11 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	SUSAN BRIDGLEY
Date of birth	
Address	THE GABLES THREE LANE ENDS ESCOMB BISHOP AUCKLAND
Postcode	1014 7SR
Personal licence number (if known)	(
Issuing licensing authority (if known)	(

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	00:00	00:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	00:00	00:00	
Wed	00:00	00:00	
Thur	00:00	00:00	
Fri	00:00	00:00	
Sat	00:00	00:00	
Sun	00:00	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)

PREVENT CRIME AND DISORDER
PUBLIC SAFETY
PREVENTION OF PUBLIC NUISANCE
PROTECTION OF CHILDREN FROM HARM

b) The prevention of crime and disorder

I WORK AND LIVE ON SITE AND EVENTS ARE FULLY SUPERVISED. WE ARE A QUIET RETREAT SITE AND NOISE IS A MINIMUM. WEDDINGS WILL BE SUPERVISED AND A CHALLENGE 25 WILL BE USED. WEDDING GUEST LEAVE SITE BY 9PM UNLESS PREARRANGED TO STAY LATER.

c) Public safety

EXTERNAL LIGHTING
ALL PATHWAYS HAVE LIGHTING
FIRE EXTINGUISHERS FITTED IN EACH POD AND ON SITE RECEPTION. FIRE BELL FITTED TO RECEPTION
ALL PODS AND RECEPTION HAS A FIRST AID KIT

d) The prevention of public nuisance

NOISE REDUCTION MEASURES
DISPERSAL POLICIES

e) The protection of children from harm

CHALLENGE 25 SCHEME
CONTROL OVER ADMISSION OF CHILDREN
NO UNDER 18 UNACCOMPANIED.

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 (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 a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	7/1/20
Capacity	OWNER

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.

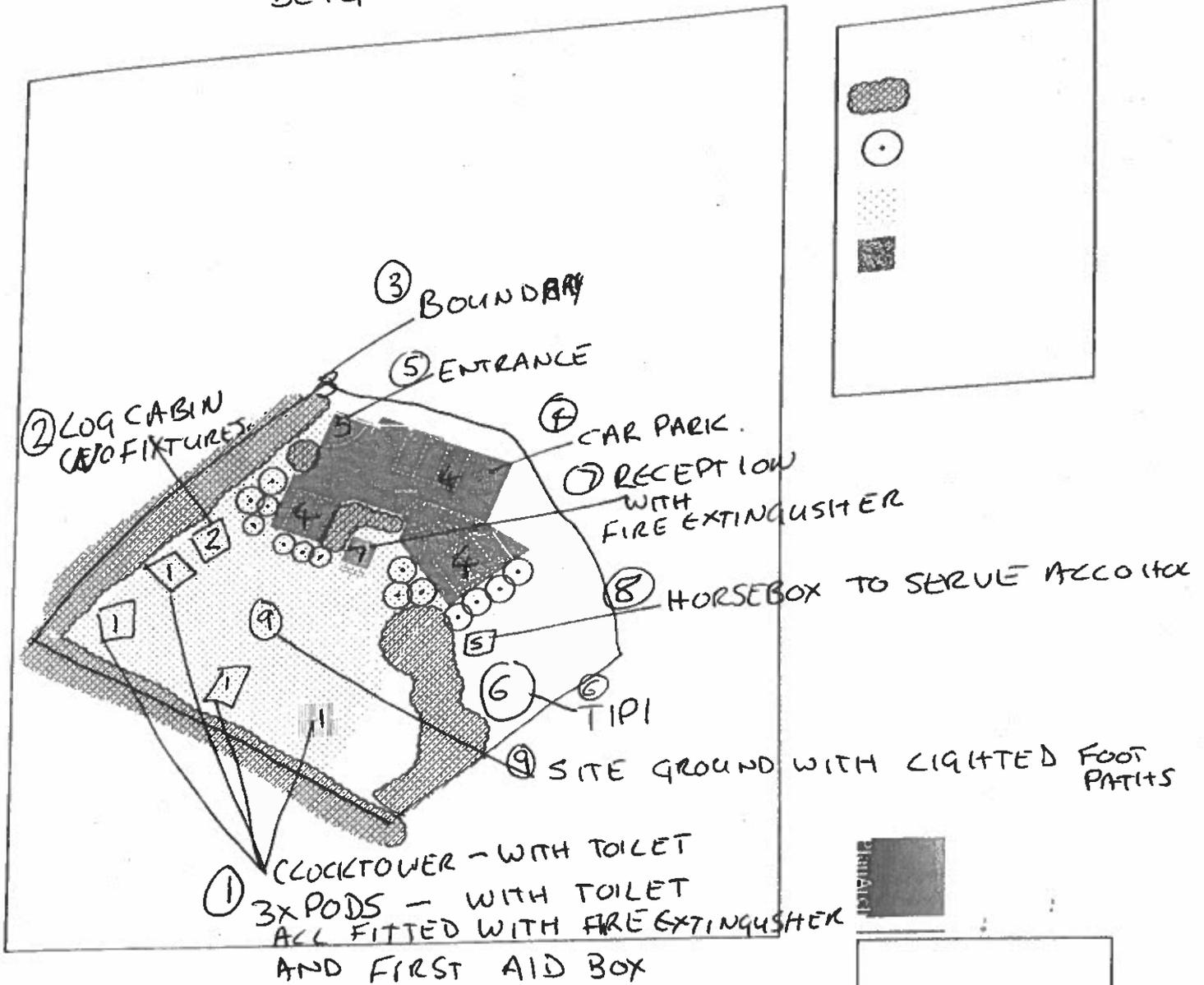
Signature	
Date	
Capacity	

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 e-mail, your e-mail 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:

THE GABLES POD CAMPING DC14 7SR



SCALE 1:250

**Appendix 4: Applicant's amendments following mediation with
Environmental Health**

Yvonne Raine

From: Helen Johnson - Licensing Team Leader (N'hoods)
Sent: 10 February 2020 15:52
To: Carol Graham - Licensing Assistant (N'hoods)
Cc: Sarah Clement-Dawson; Yvonne Raine; Karen Robson
Subject: FW: New premises licence application - The Gables Pod Camping, Bishop Auckland

Hi Carol

Please see below where the applicant has agreed to amend the times for live music, recorded music and dancing to 11pm.

Many thanks

Helen Johnson
Licensing Team Leader
Community Protection Service
Regeneration and Local Services

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Email:

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From: Sue Brierley <
Sent: 10 February 2020 15:50
To: Helen Johnson - Licensing Team Leader (N'hoods) <
Subject: Re: New premises licence application - The Gables Pod Camping, Bishop Auckland

Hi Helen.
As per our conversation please amend the time of license until 11pm.
Thank you.
Sue.

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From: Helen Johnson - Licensing Team Leader (N'hoods) <
Sent: Monday, February 10, 2020 3:39:27 PM
To: Sue Brierley <
Subject: New premises licence application - The Gables Pod Camping, Bishop Auckland

Dear Sue

As you are aware the application for a new premises licence for the above named premises is currently going through the consultation. I have received a response from one of the responsible authorities, namely Environmental Health who are specifically concerned about live and recorded music and performance of dance being applied for until midnight. The officer has stated there is a

likelihood of noise breakout and given the close proximity to housing there is a potential for public nuisance. They have stated they would not support the application unless the hours for these activities were reduced to 11pm.

I would be grateful if you could consider this request and if you wish to amend the application to reduce the times for live and recorded music and dance to 11pm please can you respond stating you wish to amend the application. If you could respond before the end of the consultation period which is 24th February 2020.

Kind regards

Helen Johnson
Licensing Team Leader
Community Protection Service
Regeneration and Local Services

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Customer Notice

We have recently updated our terms and conditions for all our services, including making some important updates to our privacy notices. To find out more about how we collect, use, share and retain your personal data, visit: www.durham.gov.uk/dataprivacy

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**Appendix 5: Conditions agreed following mediation with Durham
Constabulary**

**The Gables Pod Camping, Three Lane Ends, Escomb. DL14 7SR
Premises Licence application**

**Additional conditions added by the applicant to the Operating Schedule
following mediation with Durham Constabulary**

- All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. Such training will be recorded in a register. The register will be made available to the Police or an authorised officer of the council upon request.
- The premises shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.
- The premises shall maintain an incident book, which shall be made available to the Police and authorised officers of the local authority upon request.
- A CCTV system will be installed and in operation at all times the premises are being used for licensable activity. It must be operated by properly trained staff. All public areas will be covered, including entrances, exits and outside area.
- Recordings will be retained for a minimum of 28 days.
- The premises will ensure that at least one trained member of staff is available to operate the system at all times the premises is open and download any images requested by an authorised officer and provided within 7 days.
- Children under the age of 18 will not be allowed entry to or remain in the bar areas after 21.00.
- The premises licence holder is to undertake right to work checks on all staff who are employed at the licensed premises 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.

Appendix 6: Additional information from applicant

The Gables Pod Camping and Premise Licence Application

Background

The Gables Pod Camping was opened by Sue Brierley in 2018 with the support of her husband. Sue resigned from a corporate job after 34 years following a cancer diagnosis.

The Gables Pod camping is a small but perfectly formed glamping site offering relaxing retreats and mini breaks away for couples. We have 3 pods and a log cabin all sleeping 2 people with the exception of our family pod, 2 adults, 2 children. We only allow 2 small dogs or 1 medium dog from October to March.

Our ethos is that we are a retreat site, NOT a party site and this is well documented in our policies and website and booking sites. We do not allow groups of people, hen dos, stag do's or like and we promote a quiet relaxing site for couples, with the exception of our family pod. We currently have a rating of 5 out of 5 on facebook reviews and a 10 out of 10 on www.pitchup.com whereby 95% of guests have described our site as a peaceful site.

We have a hot tub on site which is bookable for a maximum of 1 hour only for relaxing only after a long walk, visiting the area, or just to chill out and relax.

We have also invested in a beautiful tipi for our guests to be served afternoon tea and breakfast. We are registered with Durham County Council food register to provide such meals.

We have parking on site for 9 cars which would accommodate the wedding party and guests.

Our current operating model for our glamping site

Glamping

We provide glamping accommodation for up to 10 people in our 3 pods and clocktower log cabin.

All pods have en-suite, small camper's kitchen, double bed, linen and towels. We provide tea, coffee etc. and toiletries with a bbq outside the pods. Waste and recycle bags are provided in each pod as we encourage everyone to recycle and reduce waste. Since opening we have had a vast amount of repeat bookings from guests as they have loved the peace, quiet and tranquillity our site offers. (we don't even have WIFI so guests can truly get away from the technologies of modern day society and truly chill and reconnect with loved ones or themselves). We provide an iron, and ironing board a toaster if required and a selection of board games and books should any guest wish to borrow on their stay with us. Guests visiting Kynren, we at the gables provide free transport back and forth to add to our customer service as being a friendly site. We are also affiliated with Kynren to provide discounts to guests and are going through the process to have links on our website and vice versa.

Cancer Retreats

Following Sues cancer treatment, Sue and [redacted] set up the Gables pod camping with the intention of providing relaxing breaks away for people with or affected by cancer. Local cancer charities such as Solan Connor Fawcett trust , Aycliffe Cancer support and Macmillan charities send patients or families to the pods for a relaxing night away. Every second Wednesday of the month we hold the cancer retreat and other local business provide activities, ie., Pilates, yoga and afternoon tea and an evening meal. (with the good community spirit our local business' including the gables are working

together to provide this service free of charge to the patients and charities.) In some cases terminally ill patients arrive outside the dedicated Wednesday due to the untimely nature of the disease with their family. I feel very humbled to be part of the families' memories with their loved ones.

Weddings and events

We are a licenced wedding site to hold small intimate weddings. Up to 40 people for a seated afternoon tea meal. We have had one small wedding to date with 3 booked for 2020. Our vision for weddings is to provide a perfect small wedding at our beautiful retreat site. Our wedding package is attached at the end of this document for reference. We advertise for up to 30 people including the happy couple. Guests not staying in the pods, we refer to the Saxon Inn to support other local business'.

We can provide venue hire for up to 2 hours for events such as Mothers day afternoon tea, baby showers, Macmillan coffee mornings etc or any event to support our local village.

Retreats

We have held retreats for mental health and wellbeing, mindfulness and pilates which was delivered by Diane Youdale, (JET from TV Show Gladiators) and we are holding a yoga retreat in April. I have been contacted by a writer who would like to hold a creative writing retreat. (futher details to follow)

Camino Pilgrims

We are now delighted to be an official site for the Camino Pilgrims to visit us to either stay over or have their passport stamped after visiting Escomb Church and Auckland Castle. Pilgrims will walk from cathedrals, churches, etc to our site to obtain their stamp. We can offer the pilgrims refreshments or accommodation before they leave to walk to their next destination.

Premise Licence and our intentions of its use.

I have applied for a premise licence at the gables pod camping to allow the following.

Live music and dance

Sale of alcohol on and off the premise.

Recorded music.

Live music and dance, our vision is to provide a ballet recital from a local ballet school with a live pianist or like for our retreats or charity coffee mornings.

Sale of alcohol, on or off the premise. This means we can sell alcohol as part of a wedding package or a birthday hamper for guests staying in the pods, or an afternoon tipi with a glass of fizz or

perhaps a champagne breakfast. The off premises, is whereby guests purchase a bottle of alcohol if they don't drink it they can take it home. We will not be serving or selling alcohol to anyone who walks into the site or is not a registered guest, it is purely for guests and residents or wedding guests.

Recorded Music, this could be background music playing in the tipi for events such as mother's day, a cancer or yoga retreat, or wedding ceremony music.

Summary.

I hope the information provided can help you understand what our vision is at the gables and how we have to date, operated our business. The addition of the premise licence will ensure I can have the empowerment to limit the sale of alcohol within a wedding package. My husband and I live on site and are responsible owners and would not put our neighbourhood into jeopardy by obtaining a licence. We have a proven track record of our small peaceful site and it is our mission to ensure that it will remain a small and peaceful site with a high calibre of guests visiting our neighbourhood and surrounding areas. The addition of the premise licence we can offer our guests more of a treat that will be in a controlled and high class manor and our business will continue to operate as it has done in the past with our previous weddings and glamping.

If you would like to come and have a look around our pretty site please do so at any time.

Thank you .

Sue Brierley

The Gables Pod Camping.

Appendix 7: Representations in objection to the application

Yvonne Raine

From: C
Sent: 05 February 2020 11:21
To: AHS Licensing
Subject: Application for a music and entertainment licence - The Gables , Escomb, Bishop Auckland DL14 7SR

Good Morning,

On passing the window of the Gables, the house opposite our farm last night, I was dismayed to see a notice of application for the above licence.

I am therefore writing to yourselves with an anonymous objection to this licence being issued to the Gables for the following reasons:

- 1) This is a RESIDENTIAL AREA – a quiet , peaceful village. Mrs Brierley set up a camping pod business in her BACK GARDEN. Whilst I have no objection to this, I DO object to the noise that an entertainments and drinks licence would cause. During the first year of trading, every weekend and school holidays meant that there was music and noise from campers enjoying themselves in her garden. She insisted on a curfew at 10 pm but this was not always the case and we were forced to ask Mrs Brierley to ask her campers to keep the noise down as our son couldn't sleep if his bedroom window was open. We could also not sit at the front of house due to the noise. Our horses, stabled opposite her entrance could also not settle at night due to the noise.
- 2) On Bonfire night and the lead up in 2018, I politely asked Mrs Brierley that her campers would not set fireworks off as we have horses stabled metres away from her gate and in fact it was against the law to do so in the close proximity of animals. She responded that fireworks would go ahead and that she had checked with the Police and she was within her rights.
- 3) Our gate is approximately 5 metres from The Gables gate and therefore any noise from music and entertaining would be extremely unwelcome.
- 4) Her immediate neighbours (- the C which physically joins the Gables) are deaf and due to fact the letters have not been sent out – will be unaware of this application. The same goes for the houses opposite on Hallimond Road who are all elderly/housebound and will not be aware of this.
- 5) There is a pub within 5 minutes walking distance and a garage with an off licence again, a few minutes walk away - so is there really any need to sell alcohol in the garden of the Gables?
- 6) Whilst the camp site was quieter in 2019 than the previous year – surely by granting an entertainments licence for music and drink will cause noise and potentially anti social behaviour that residents in close proximity really do not want to hear every weekend in the camping season? We certainly will not be able to stable our horses in their current stables.
- 7) In reality, if this goes ahead – a quiet neighbourhood will suffer due to the conflict and aggravation this would cause. In addition, the ability to sell on homes that have been here for as long as 120 years may be compromised due to the noise from a campsite in a back garden!
- 8) Personally, I want to live happily in our home and have no plans to move. I hope that our sons will remain here in the future. I do not want our lives turned upside down by excessive noise from the Gables and the conflict this would bring. Please think carefully when considering this application for this licence. This is not Butlins- it is someone's back garden at the end of the day.

I look forward to hearing your response

C and N Barratt – Atkin and sons

"There is something about the outside of a horse, that is good for the inside of a man", Winston S Churchill

Please note my email address has now changed, please use this email address moving forward:

Telephone:

Email:

, Escomb,

Bishop Auckland, County Durham.

Photograph submitted by Mrs C Barratt Atkin



**Photograph showing the proximity of
Camp site.**

to the Gables

From: swaugh <

Sent: 24 February 2020 15:19

To: Helen Johnson - Licensing Team Leader (N'hoods) <
Licensing <Licensing@durham.gov.uk>

>; AHS

Subject: Licence application for the Gables Pod Camping, Escomb, Bishop Auckland.

I would like to object about the licence that has been applied for by the Gables Pod Camping in Escomb, Bishop Auckland. As it is a glamping site why does it need a licence for live and recorded music, and an alcohol licence from 12.00pm till midnight, Seven days a week ?, most people when they go away for a few days want peace and quiet, not rowdy music, and people falling about drunk and swearing where children are present, IF you go to a pub at least you can leave these premises with children to get away from all the noise and the drunks, BUT you can't get away from all the noise and commotion if you are staying at the Gables, can you ?.

There are also a lot of old people who live in the very close proximity of the Gables who will not appreciate the noise, some that have to go to bed early every night, as they have carers coming in to put them to bed, can you imagine how they must feel listening to loud music when they are trying get to sleep ?.

I myself work long hours (sometimes more than 15 hrs a shift which includes nights and days), and i would not appreciate having my sleep disturbed due to the music and the extra vehicles leaving the Gables. I have also spoken to neighbours about this application, and they have said that they moved to Escomb for the peace and quiet, and not as one neighbour said, that she didn't want a music festival on her doorstep, (her words not mine).

We were told that the application was put in the local press for everyone to see, but what about the people who don't get a local paper ?. We were also told that notices were put on lampposts in the vicinity of the Gables, as yet we have yet to see one, and we are past their regular walking the dog.

I have no objection to the Gables camping pods for camping. BUT I DO OBJECT TO LICENCE FOR MUSIC AND ALCOHOL FOR 12 HRS A DAY.

Sent from Samsung tablet.

MR. N. & MRS. S. PATTINSON,
EVENWOOD GATE,
BISHOP AUCKLAND,
CO. DURHAM DL14 9NW.

23-2-2020.

To whom it may concern,

Having visited our grand daughter at Escomb today, we were informed about an application for alcohol & music to be permitted at the Gables Pad bamping, between the hours of 12 noon - 12 midnight, ^{7 days a week.} and we wish to object very strongly to the proposal.

We are regular visitors to Escomb & we like to spend time out in the gardens of our relatives. I, Mr. S. Pattinson, was born & brought up in Escomb, which



is a peaceful place to live, a visit, and am appalled to think of the likelihood of the peace & tranquility being ruined, by the noise & bad behaviour, which alcohol can induce in some people.

The residents, and regular visitors of Escomb should be considered of the utmost importance in a matter of this nature. Loud music can be very disruptive to people who work shifts and find it necessary to sleep when other people are celebrating.

This license should definitely not be granted.

Yours faithfully,



el [redacted] Pattinson,
High Escombe,
Bishop Auckland,
Co. Durham.
DL14 7ST.
24 February 2020.

Ref. Licence application for Gables Pod Camping,
Three Lane Ends, Escombe, Bishop Auckland,
Co. Durham. DL14 7SR.

Dear Sir or Madam,

With reference to the above application and my phone call to your department today when I spoke to Anita at 12 noon. I understand that there has been a period of 28 days in which to make views known, and that this application has been in the paper, & notices been put on lamp posts within the vicinity of the premises in question. Firstly we do not get the local paper, & secondly I walk past this area at least 4 times a day and there has been no notice anywhere, hence my late objections, although I have been assured by Anita that my letter will be accepted as long as it is posted 1st. class today, as I do not use a computer.

My family have lived in this village for approximately 100 years, myself having moved to Escombe in 2007. It has always been very special to me having visited very

frequently throughout the whole of my life. It is generally a peaceful, quiet village of much historic interest a character. I moved here to enjoy peaceful village life and particularly enjoy time in my garden. Whenever there is an event on such as that at Witton castle, the college or other events in Bishop Auckland myself & family find this very disruptive. The noise ruins time spent in the garden and it is very difficult to get to sleep when events run until late. My partner works permanent night shift and finds it difficult enough to sleep during normal unavoidable neighbourhood noise, let alone, any music from such close proximity, especially in hot weather when windows have to be open.

To grant a licence for such events to run ^{up to} 12 hours per day, and particularly until 12 midnight any day of the year, and I assume as often as is desired is preposterous, and is not considering local residents quality of life and welfare. I strongly oppose this application and ask that you do not grant this licence. Furthermore the sale of alcohol will exacerbate noise disturbance already experienced by some people who live nearer than myself.

I await your response in writing and ask that you cover all points raised in this letter. Yours sincerely,
E. Patterson.

Appendix 8: Representations in support of the application

Yvonne Raine

From: n <
Sent: 11 February 2020 18:57
To: AHS Licensing
Subject: Gables pod camping, three lane ends escomb
Categories: Yvonne

I am writing in regards to the application of a premises license for alcohol, live music
And performance of dance by Sue brierley ,

I am a resident of Hallimond road and live opposite the pods , the addition of this facility has been nothing but a
positive one for our area .
There has never been any noise disturbance from any of the guests or events that have taken place . It is a quiet site
and it is just that .

Sue is always considerate of her neighbours and always keeps us informed of events happening , but as I said
previously I have never been disturbed by noise, anti social behaviour or otherwise from this site .

I have no objection to this application at all in fact I fully welcome it with open arms . There should be more places
like this in our surrounding area.

Kind regards j welford

Sent from my Samsung Galaxy smartphone.

Yvonne Raine

From: L Thomson <
Sent: 12 February 2020 13:54
To: AHS Licensing
Subject: The Gables Pod Camping application for premise licence

Good Afternoon

My husband and I have lived in our house at Hallimond road, directly opposite the Gables since 1983 it is a lovely peaceful location. The campsite lies in the grounds of the gables and we have never been disturbed by any noise at the site. We are usually completely unaware whether or not there are Campers staying there as we also are unaware of any vehicles which go in and out.

With regard to the owners being granted a premise licence to offer alcohol within the regulations we have no doubt that Sue and M being the responsible people they are would ensure that the peace and quiet which we currently enjoy and have enjoyed whilst the campsite has been open will not be broken. We wish them both every success.

Kind regards

E and R Thomson

Yvonne Raine

From: J Sutherst <
Sent: 23 February 2020 11:42
To: AHS Licensing
Subject: Gables pod camping, three lane ends Escomb

Categories: Yvonne

I am writing in regards to the application of a premises license for alcohol, live music.

I live right opposite the pod site, it is very quiet, there have never been any problem with any noise disturbance from anyone who have stayed there. (and I sleep with my window open most nights).

I have no objections to the application at all, as sue always keeps us informed of anything that is going on, and I find it a positive for the area

Regards J Sutherst

Yvonne Raine

From: L Orrell
Sent: 24 February 2020 11:56
To: AHS Licensing
Subject: The Gables Pod Camping

Categories: Yvonne

I'm writing with reference to the proposal for premise license.

I'm in full support of this application - the activities that have historically been planned have proved a huge success. Regular cancer support meetings are held monthly, Real Retreat Yoga groups, baby showers and afternoon teas to mention but a few occasions.

This particular business seems to support not only the local community but looks to attract guests from further afield which can only be of benefit for placing Bishop Auckland firmly on the map.

I would like wish the owners all the success they deserve.

Kind regards
L Orrell

Sent from my iPhone

Appendix 9: Comments from the Planning Authority

Carol Graham - Licensing Assistant (N'hoods)

From: Hilary Sperring
Sent: 14 February 2020 16:30
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: CON21/20/00208 Application for a Premises Licence The Gables Pod Camping Site, Three Lane Ends, Escomb

Dear Carol,

Thank you for your recent consultation in respect of the above.

Conditional planning permission was granted for a change of use of land to camping pod site including camping pods/ huts, access alterations and parking spaces at The Gables, Three Lane Ends, Escomb (DM/17/03667/FPA). This approval included a number of buildings within the site. On the basis of the information submitted with the Licence application I am unsure if any further buildings are proposed or the exact nature of the proposed operations.

Whilst I have no objections or comments to the Licence application, I would ask that the applicant(s) please provide further details so that we can check and advice whether or not any further planning permission may be required.

With this in mind it is suggested the applicant(s) please submits a pre application enquiry to the planning department, please see following link – <http://www.durham.gov.uk/article/8280/Before-you-apply>, providing more information about the proposed use(s) and any possible new buildings (There would be a fee of £30 for this service).

I would be grateful if you could please draw this information to the attention of the applicant(s).

Please note the information provided within this correspondence contains informal officer advice made for guidance purposes only and cannot prejudice any future decision of the Local Planning Authority.

If you have any queries or require any further information please do not hesitate to contact me.

Kind Regards,
Hilary

Mrs Hilary Sperring

Planning Officer | Development Management

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



Website: www.durham.gov.uk

Contact Area Office:] or C

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Appendix 10: Responses from Responsible Authorities



Chief Fire Officer: Stuart Errington

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

Date: 12 February 2020

This matter is being dealt with by: Joanne Brenkley

Ext:

Our Ref: 4

Your Ref: C

Direct Dial Telephone:

E-mail:

Via email to: s

Dear Sir / Madam

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

The Gables, Three Lane Ends, Escomb, Bishop Auckland, DL14 7SR

I acknowledge your application dated 21st January 2020 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

No representations will be made to the Licensing Authority subject to the responsible person for the above premises ensuring compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005.

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

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

Yours faithfully

Joanne Brenkley
Fire Safety Section



www.ddfire.gov.uk

Carol Graham - Licensing Assistant (N'hoods)

From: Richard Wormald
Sent: 19 February 2020 11:06
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: SR 200348 RWO Gables Pods

Dear Carol

Thank you for consulting the Health and Safety Team , regarding the New Premise Licence for:

Application Type - Application for a Premises Licence

Applicant: Susan Brierley

Premises – The Gables Pod Camping, Three Lane Ends, Escomb, Bishop Auckland. DL14 7SR

Date of Application – 27 January 2020 Last date for representations – 24 February 2020

I have no representations to make regarding the application

Regards

Mr R. Wormald
Senior Environmental Health Officer
Adult and Health Services

T: |

E: |

Web: www.durham.gov.uk

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Appendix 11: Statement of Licensing Policy

7.1 The Prevention of Crime and Disorder - Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment can, if not properly managed, become a source of public nuisance, generating crime and disorder problems. **The council expects** all licensed premises to be properly managed at all times to prevent this from happening and will focus attention on standards of management practice at licensed premises when carrying out its administrative and enforcement functions.

The council encourages, and will look positively on, the provision by licensees of comprehensive and documented staff training. Documented staff training conducted in respect of:

- Preventing underage sales
- Minimising drunkenness
- Managing and resolving conflict
- Emergency procedures
- Compliance with the licence conditions
- Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol
- Identification and refusal of underage sales
- Use of accredited training courses and recognised industry qualifications (e.g. BII)

The council expects 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, a marquee, in a smoking shelter etc.

The **council expects** all applicants to 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.

The council recommends that procedures to deal with drunken customers, violence and anti-social behaviour, in and outside premises, and the provision of closed-circuit television in certain premises should be considered by applicants, licencees and event organisers when addressing this issue.

The council encourages personal licence holders to actively participate in established "Pubwatch" schemes, where issues relating to crime and disorder can be addressed. **The council encourages** involvement in the "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.

The council recognises and promotes effective and responsible management of all licensed and authorised premises through competent, efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice,

such as 'Challenge 25'. These are amongst the most important control measures for the achievement of all Licensing Objectives.

The council will take a positive view of anyone who invests in appropriate training, and nationally accredited qualifications tailored to the licensing sector. Training records should be kept available for inspection by relevant enforcement agencies as a matter of good practice.

It is important that qualified and competent people are present who can discuss any problems or matters of concern arising from the licensable activities at or near to the premises with officers from DCC Licensing Services and Police.

The council also 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 are 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.

Maximum occupancy: When its discretion is invoked, the council 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 premises or event. Any such decision will be based on the nature and style of the operation.

The council will consider information provided by the applicant and any other body (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.

Security: 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. 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 as well as the hours of trading.

Toughened/Safety Glass: 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 especially to any premises associated with a higher risk for potential crime and disorder. This will be particularly

relevant for high-volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues.

The council and several of its partners have signed a collective new pledge as part of an ongoing campaign to eradicate single use plastics. The agreement commits all signatories to significantly reduce, and work towards ultimately removing, the use of unnecessary single use plastics from their operations. If alternatives to normal glass are used, the use of suitable alternatives, including non-single use plastics, is encouraged.

Drugs/Knives/Weapons: The council 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 or consumed within the premises to prevent tragedies and harm because of drug misuse.

The council will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The council 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.

In addition to the information provided above, **Table 1 in Appendix VI** provides recommendations, suggestions and examples for how to prevent the specific crime/disorder outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

7.3 Prevention of Public Nuisance - Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping near the premises.

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

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

The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway, relevant authorisations will often be required from the Highways Authority. Enquiries concerning such consents should be made to the Council's Highway's Section (see Appendix III). In predominantly commercial areas, such as shopping centres, the use of tables and chairs outside may be allowed however, the **council will normally expect** them to be removed before the premises close, and any resulting litter/debris cleared away.

Applicants should consider reducing potential noise nuisance by, for example (this list is not exhaustive):

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix 12: 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 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.