

Statutory Licensing Sub-Committee

16th April 2012

Application for the grant of a Premises Licence



Report of Terry Collins, Corporate Director, Neighbourhood Services

Name and Address of Premises: New Oak Wines, 41 Mayfields, Greenways Estate, Spennymoor, Co. Durham. DL16 6RW

1. Summary

The Sub-Committee is asked to consider and determine the application for the grant of a premises licence received by:

Mr Andrew Spenceley and Mr Christopher Oates
T/A New Oak Wines
41 Mayfields
Greenways Estate
Spennymoor
DL16 6RW

A plan showing the location of the premises is attached at Appendix 1.

A plan showing the layout of the premises is attached as Appendix 2.

2. Details of the Application

An application for the grant of a premises licence was received by the Licensing Authority on 16th February 2012. A copy of the application is attached as Appendix 3.

The application is deemed by the Licensing Authority to be correctly served and has been correctly advertised.

The application is in respect of the following licensable activity and for the hours detailed:

Activity	Days & Hours requested
Sale of Alcohol for consumption off the premises	Mon - Sun 0900 – 2000 hrs
Opening hours of the Premises	Mon - Sun 0900 – 2000 hrs

3. The Representations

The Licensing Authority received one representation from an interested party, Mr. Darkes, Secretary of the Greenways Residents Association.

The representation relates to the public safety and protection of children from harm objectives.

A copy of the representation and additional documentation from Mr. Darkes are attached as Appendix 4.

On 27th March 2012, a letter was received from the applicant, Andrew Spenceley in response to Mr Darkes' representation. A copy of this correspondence is attached as Appendix 5.

Correspondence not amounting to a representation was received from:

- David Walker of Durham County Council's Planning Department

A copy of this correspondence is attached at Appendix 6.

4. The Parties

The Parties to the hearing will be:

- Mr Andrew Spenceley and Mr Christopher Oates (The applicants)
- Mr Geoff Darkes (Interested party)

5. Durham County Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the following relevant parts of the Policy:

- Part 6.0 - Public Safety
- Part 8.0 - The Protection of Children from Harm

Relevant information is attached at Appendix 7.

6. Section 182 Guidance

The Sub-Committee's attention is drawn to the Guidance issued under section 182 of the Licensing Act 2003 and in particular

- Paragraph 2.0 – Licensing objectives
- Paragraph 3.6 – Internet and mail order sales

7. For Decision

The Sub-Committee is asked to determine the application in the light of the application, the representation received and any mediation between the applicant and interested parties.

Background Papers:

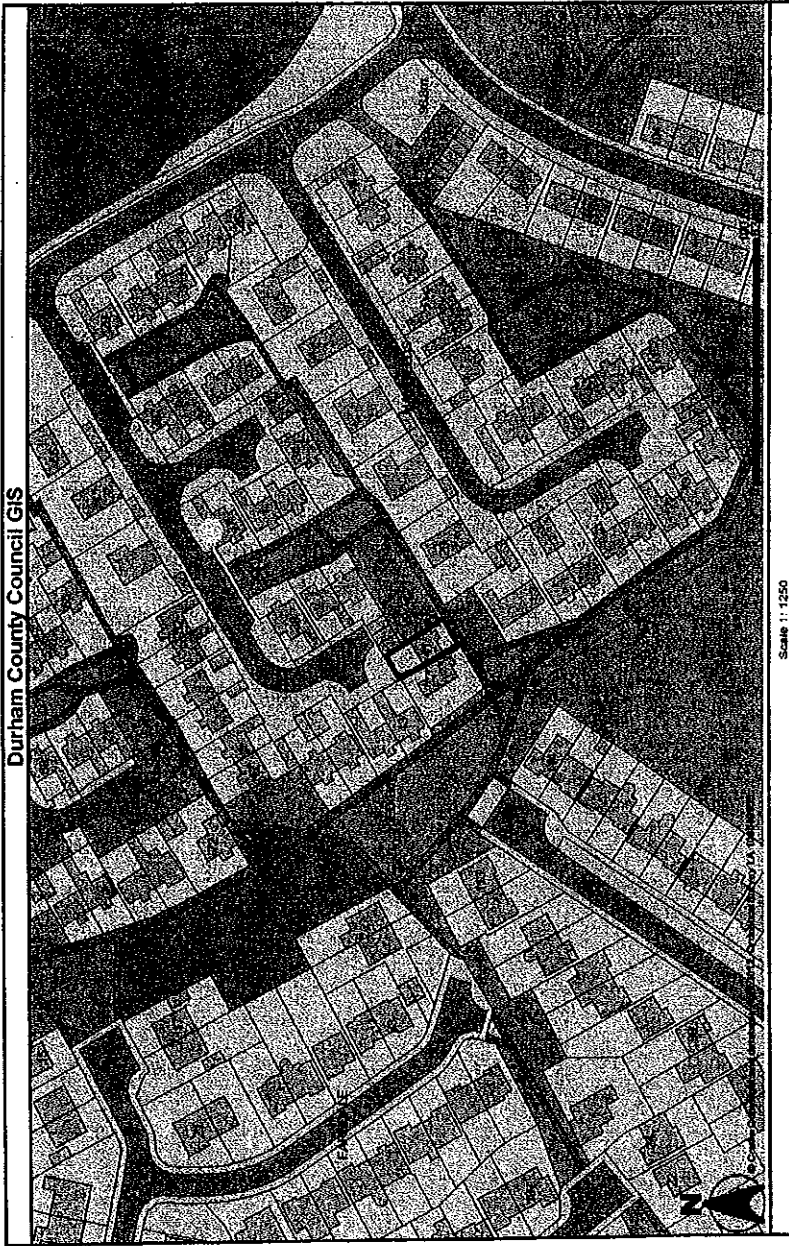
- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003.

Contact: Yvonne Raine

Tel: 01388 824364

Email: yvonne.raine@durham.gov.uk

APPENDIX 1 – LOCATION PLAN



APPENDIX 2 – LAYOUT PLAN

ALL DIMENSIONS ARE IN MM UNLESS STATED OTHERWISE

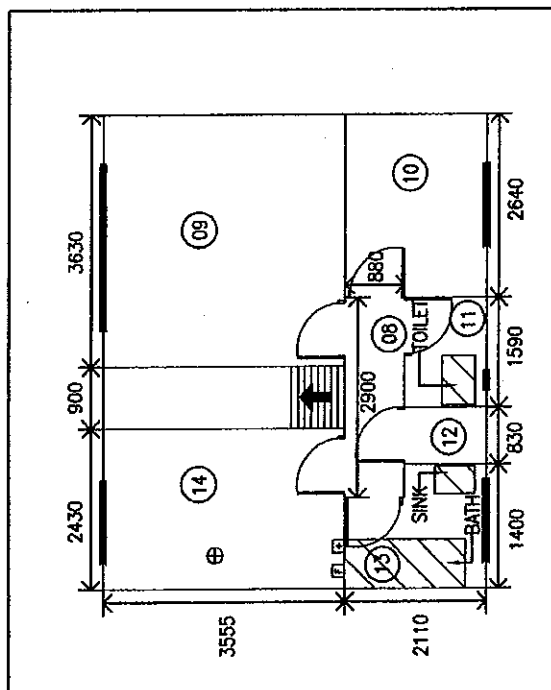
LEGEND

- ⊕ SMOKE ALARM
- ⊞ FIRE EXTINGUISHER
- ⊠ FIRST AID KIT

- BATH
715
1800
- SINK
400
600
- TOILET
720
500
- DOOR
765
- WINDOW

OFFICE WHERE THE SALE
& DISTRIBUTION OF
ALCOHOL VIA PHONE /
MAIL ORDER &
E-COMMERCE WILL BE
UNDERTAKEN

(14)



NOTES

- (08) LANDING
- (09) BEDROOM 1
- (10) BEDROOM 2
- (11) WC
- (12) BOILER CUPBOARD
- (13) BATHROOM
- (14) OFFICE

LEDGER

NEW OAK WINES / ANDREW SPENCELEY

ADDRESS

41 MAYFIELDS, GREENWAYS ESTATE,
SPENNYMOOR, COUNTY DURHAM, DL16 6RW

Title

FIRST FLOOR INTERNAL

Date	DRG No.	Drawn	Scale
01.02.12	03	AS	1:100 @ A4

APPENDIX 3 – APPLICATION



**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 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 NEW OAK WINES (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 <u>41 MAYFIELDS</u> <u>GREENWAYS ESTATE</u> <u>COUNTY DURHAM</u>	
Post town <u>SPENNYMOOR</u>	Post code <u>DL16 6RW</u>

Telephone number at premises (if any)

01388 740168

Non domestic rateable value of premises

£ 0.00 - BAND A - FEE £100

Part 2 – Applicant Details

Please state whether you are applying for a Premises Licence as:

a) an individual or individuals*

Please tick ✓

☐

please complete section (A)

b) a person other than an individual*

i. as a limited company

☐

please complete section (B)

ii. as a partnership

☒

please complete section (B)

iii. as an unincorporated association or

☐

please complete section (B)

iv. Other (for example a statutory corporation)

☐

please complete section (B)

- | | | |
|---|--------------------------|-----------------------------|
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) The proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) A health service body | <input type="checkbox"/> | 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 | <input type="checkbox"/> | please complete section (B) |
| ga) A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) The chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

Please tick ✓

*If you are applying as a person described in (a) or (b) please confirm:

- 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

<input type="checkbox"/>
<input type="checkbox"/>

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev) ☐

Surname

First names

Please tick ✓

I am 18 years old or over

☐

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email 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) <input type="checkbox"/>
Surname		First names		
<input type="text"/>		<input type="text"/>		

Please tick ✓

I am 18 years old or over

☐

Current postal address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

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

Name	ANDREW SPENCELEY	CHRISTOPHER OATES
Address	41 MAYFIELDS GREENWAYS ESTATE SPENNYMOOR COUNTY DURHAM DL16 6RW	41 MAYFIELDS GREENWAYS ESTATE SPENNYMOOR COUNTY DURHAM DL16 6RW
Registered number (where applicable)	N/A	
Description of applicant (for example, partnership, company, unincorporated association etc.)	BOTH OF THE NAMED ABOVE ARE PARTNERS IN NEW OAK WINES.	
Telephone number (if any)	01388 740168	01388 740168
E-mail address (optional)	ANDREW@NEWOAKWINES.CO.UK	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
23	03	2012

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

Day	Month	Year

If 5000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

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

WE ARE A DOMESTIC HOUSE, SELLING WINE ON THE INTERNET. 1 ROOM IS TO BE USED TO STORE ALCOHOL BEFORE DISPATCH TO CUSTOMERS, AFTER AGE VERIFICATION HAS TAKEN PLACE. SALES ARE OFF SALES ONLY. NO PERSON WILL BE CALLING AT THE PREMISES, ORDERS WILL BE PROCESSED FROM THE PREMISES DURING THE DAY ONLY. ORDER WILL BE TAKEN 24/7 VIA THE ONLINE ROUTE BUT DISPATCHING FROM THE PREMISES WILL BE DURING THE DAY TO CONSIDER NEIGHBOURS. WHEN PURCHASES HAPPEN CLIENTEL WILL HAVE TO VERIFY THEIR AGE.

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

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick ✓

- 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) performance 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 entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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Sale by retail of alcohol (if ticking yes, fill in box M)

✓

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
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 5)		
Sat					
Sun					

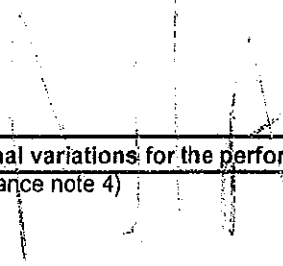
C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			
Wed			State any seasonal variations for indoor sporting events (please read guidance note 4)
Thur			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 (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Thur				
Fri			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 5)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both -- please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)	
Thur				
Fri			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 5)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed				
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)	
Fri				
Sat			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 (please read guidance note 5)	
Sun				

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing			
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)			
					Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>					
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)			
Wed						
Thur			Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Fri						
Sat						
Sun						

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing	
Day	Start	Finish		
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed				
Thur			State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Fri				
Sat				
Sun			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing 	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3) 	
Wed				
Thur				
Fri			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4) 	
Sat				
Sun				
			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 5) 	

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

M

Sale of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises	
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variations for the sale of alcohol (please read guidance note 4) SALES CAN HAPPEN 24/7 ONLINE OR BY PHONE. Alcohol will only be delivered DURING THESE TIMES		
Mon	0900	2000			
Tue	0900	2000			
Wed	0900	2000	Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Thur	0900	2000			
Fri	0900	2000			
Sat	0900	2000			
Sun	0900	2000			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor	
Name	ANDREW SPENCELEY
Address	41 MAHFIELDS GREENWAYS ESTATE SPENNYMOOR
Postcode	DL16 6RW
Personal licence number (if known)	DCCEP70774
Issuing licensing authority (if known)	DURHAM COUNTY Council (SPENNYMOOR)

N

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 8)

NO PROBLEMS AS PREMISES
ARE TO BE USED
FOR DISPATCH AND STORAGE
OF WINES

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	PREMISES ARE USED FOR DISPATCH ONLY
Mon	0900	2000	
Tue	0900	2000	
Wed	0900	2000	
Thur	0900	2000	
Fri	0900	2000	
Sat	0900	2000	
Sun	0900	2000	
Non standard timings. Where you intend to open 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 5)			

P

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

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)

QUALIFIED WELL TRAINED STAFF TO
BE VIC LAST WHEN CHECKING AGE
VERIFICATION OF CUSTOMERS

b) The prevention of crime and disorder

PREMISE WILL BE SECURED WHEN
NOT DISPATCHING ALCOHOL

c) Public safety

NO EXTRA TRAFFIC WILL BE
ATTRACTED.

d) The prevention of public nuisance

DISPATCH WILL BE DURING THE
DAY AND CREATE NO EXTRA NOISE
OR TRAFFIC

e) The protection of children from harm

WE HAVE A STRICT POLICY TO
CHECK PURCHASERS ARE OVER 18 YEARS
OF AGE.

- I have made or enclosed payment of the fee
- I have enclosed a 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 proposed 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

Please tick ✓

✓
✓
✓
✓
✓
✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature *[Signature]*

Date 14/02/2012

Capacity (PARTNER) DESIGNATED PREMISES SUPERVISOR

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature *[Signature]*

Date 14/02/2012

Capacity PARTNER

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 19)

Post town	Post code
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 would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick on. If you wish people to be able purchase alcohol to consume away from the premises, please tick off. If you wish people to be able to do both, please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Consent of individual to being specified as premises supervisor
under the Licensing Act 2003

I ANDREW SPENCELEY (full name of prospective premises supervisor)
of NEW OAK WINE, 41 MAYFIELDS GREENWAYS
ESTATE SPENNYMOOR (home address of prospective premises supervisor)
hereby confirm that I give my consent to be specified as the designated premises
supervisor in relation to the application for PREMISES LICENCE (type of application)
by ANDREW SPENCELEY (name of applicant)
relating to a premises licence (number of existing licence, if any)
for 41 MAYFIELDS GREENWAYS ESTATE, SPENNYMOOR
CO. DURHAM (name and address of premises to which the application relates)
and any premises licence to be granted or varied in respect of this application made
by ANDREW SPENCELEY (name of applicant)
concerning the supply of alcohol at 41 MAYFIELDS GREENWAYS
ESTATE, SPENNYMOOR (name and address of premises to which application relates).

I also confirm that ~~I am applying for~~, intend to apply for or currently hold a personal
licence, details of which I set out below.

Personal licence number DCC PER 70774 (insert personal licence number, if any)
Personal licence issuing authority DURHAM COUNTY COUNCIL,
COUNTY HALL, DURHAM, DH1 5UL
(insert name and address and telephone number of personal licence issuing authority, if any)

Andrew Spenceley signed
ANDREW SPENCELEY name (please print)
14/02/2012 dated

APPENDIX 4 – REPRESENTATION



Together we can make a difference

Mr.G.W.Darkes,
32, Grasmere,
Greenways,
Spennymoor.
Co. Durham.
DL16 6TX

DURHAM COUNTY

26 FEB 2012

LICENSING

26th.February 2012.

Dear Sir / Madam,

Premises Licence Application for 41, Mayfields, Greenways Estate,Spennymoor.
(as per the notice in the Spennymoor News dated 25th. February 2012).

My name is Geoff Darkes, I am the secretary of the Greenways Residents Association which represents the 1,096 homes on the Greenways estate, Spennymoor. Please note I have been contacted by a number of residents living in the immediate vicinity of Mayfields and also other areas of our estate, reference the above incredulous licence application.

On behalf of those residents and myself I wish to object in the strongest possible terms to the above application. No. 41, Mayfields is a residential property, in a residential cul de sac on a residential housing estate. The increase in traffic, delivery and collection, into the cul de sac in the hours from 09:00 in the morning until 8:00pm in the evening 7 days a week defies comprehension from a Health and Safety point of view, especially related to children's safety?

Spennymoor is fortunate to have a business park at Enterprise City and a retail centre regrettably with some empty premises available for rent. Either of these is the correct location for a wine retail operation, or perhaps the new Durham Gate development, but not in a cul de sac on a residential housing estate, what a precedent this would create on our estate.

Having explained above the very obvious personal concerns related to the licence application expressed by some Greenways residents, I would like to draw your attention to the 3 other attachments marked 1A, 1B and 2 which are also included with this letter. The marked attachments are photostat copies of specific pages from the deeds of two different houses on the Greenways estate. You will notice I have underlined specific sentences which state "**Joint and Several COVENANT by Purchasers not to use or allow to be used the property thereby conveyed for any offensive trade or business or use the same or any part thereof for the manufacture sale or storing of any combustible matter or for the sale of beer or spirits**", Paragraph 5. on attachment 1B specifically quotes "**beers wines spirits or other intoxicating liquor**".

I look forward to hearing from you in due course with what we expect to be a straightforward decision reference the above application.

Geoff Darkes (Greenways Residents Association Secretary).

Licensing Section,
Durham County Council,
Council Offices,
Spennymoor.
DL16 6JQ

cc: Durham County Councillor Barbara Graham
Durham County Councillor Ben Ord.
Durham County Councillor Kevin Thompson
Spennymoor Town Clerk Pauline Waterson



Together we can make a difference

Mr. G. W. Darkes,
32, Grasmere,
Greenways,
Spennymoor.
Co. Durham.
DL16 6TX

5th. March 2012.

Dear Ms. Raine,

Premises Licence Application for 41, Mayfields, Greenways Estate, Spennymoor.
(as per the notice in the Spennynews dated 25th. February 2012).

Firstly thank you for your email on the above subject dated 01 March 2012 in reply to my earlier two emails dated the 26th. and 29th. February 2012 respectively.

I find your email most informative for future use, related to The Licensing Act 2003 and the four "relevant representations" you are allowed to consider when determining a licence application. However, I do not believe this application can even reach the stage where you are allowed to consider the application.

You are aware that a **legal** covenant exists on the Official Register of Title in the name of the current owners Mr. K. Spenceley and Mrs. K. Spenceley for the above property, which prohibits 41, Mayfields being used "**for the sale of beer or spirits**".

I would therefore expect that the legal covenant precludes you and your department from being able to even consider the application. The application is invalid because it is in breach of the legal covenant on this residential property title register. I fail to see how you can ignore a legal covenant that you know exists?

If my logic is flawed please explain how, but legal documents that are known to exist just cannot be ignored, they are part of the law of our land.

I look forward to hearing from you.

Yours sincerely,

Geoff Darkes
(Greenways Residents Association - Secretary).

Licensing Section,
Durham County Council,
Council Offices,
Spennymoor.
DL16 6JQ

cc: Durham County Councillor Barbara Graham.
Durham County Councillor Kevin Thompson.
Durham County Councillor Ben Ord.

APPENDIX 5 – APPLICANTS' RESPONSE TO REPRESENTATION



Yvonne Raine
Acting Licensing Team leader
Durham County Council
Environment, health & Consumer Protection
Council Offices
Green Lane
Spennymoor
County Durham
DL16 6JQ

25th March 2012

Ref: Representation Made By Mr G Drakes (Greenways Residents Association) RE: Premises License Application - 41 Mayfields, Greenways Estate, Spennymoor, County Durham, DL16 6RW

Thank you for passing on the representation from the Greenways Residents Association. It is clear from the concerns raised that Mr. Darkes is unaware of the scale and nature of the proposed New Oak Wines business and we would greatly welcome an opportunity to discuss the concerns. We would like to make it clear that starting the New Oak Wines mail order/ecommerce business is an attempt to generate some extra income during these difficult financial times to supplement our substantive roles as IT Engineers at Sunderland University (Andrew Spenceley) and Newcastle NHS Foundation Trust (Chris Oates).

The main concern is centred around public safety and we would like to reassure the residents association that we take public safety very seriously and we have put in place stringent policies to control this. We also specifically noted the concern regarding excess amounts of traffic on the estate and we would like to assure the residents association that the increase in traffic will be very minimal.

- Firstly there will be no more than two deliveries per week in a standard sized van similar to the ones that regularly deliver goods from online retailers, supermarkets and catalogues.

- Secondly and most importantly we will not be selling directly to customers from the premises. The Wines and Champagnes are available by mail order only either via the internet or from catalogues where only a PO Box address will be advertised. Customers will not be accepted directly at the premises which is a key part of our operating schedule within our premises license application.

- Deliveries to our customers will be made initially by taking the packaged wines to the local post office on our way to work. We project that we will be selling 4-6 bottles of wine per week for the first 3 months, admittedly if this grows we may need to make a car journey to the local royal mail depot a couple of times per week but at this point we would look to move into commercial premises as soon as possible.

- As for the concerns regarding the operating times of the business stated in the application, these are the licensable hours which are not necessarily the opening hours of the business. As mentioned previously this is not a full time business on our part and we would generally only be open to take orders between the hours of 9-5 Monday to Saturday, however part of the process of a mail order business is packing wine etc which is a licensable activity. Therefore we need to have the licensable hours listed so we can operate the business outside of our normal full time day jobs without breaking the Licensing Act 2003.

We fully take on board the point regarding the properties available on the business park and in the town centre and this is an option that we hope to be able to take advantage of as soon as the business grows to a level that makes this cost effective and financially viable for the future.

We are sensitive to issues that may effect the local community and we understand concerns around the emotive issues of alcohol licensing however we would like to assure the Greenway Residents Association that the impact on the area would be so minimal that it will hardly be noticed. We greatly hope to produce a thriving business that can assist the local economy but we need to start somewhere with a minimal cost base.

New Oak Wines have taken legal advice on the issues of covenant. On a point of law, a covenant should not prevent the issuing of a license as the covenant is a contract between the builders of the property (The Grantor) and the current land owner. However we fully appreciate and accept that the relevant covenant must be removed before we can begin to sell wines and champagnes from the property.

We would therefore welcome the opportunity of a remediation meeting with Mr Darkes to discuss his apprehensions and to see if there are still concerns once we have described the business model and scale of the operation.

Kind Regards,

A. Spenceley

Andrew Spenceley
Partner
New Oak Wines

C. Oates

Chris Oates
Partner
New Oak Wines

APPENDIX 6 – CORRESPONDENCE FROM PLANNING

Yvonne Raine

From: David Walker
Sent: 21 February 2012 15:26
To: Yvonne Raine
Subject: Proposed new premises licence 41 Mayfields - planning response
Attachments: F023770.DOC

Yvonne,

Further to your recent e-mail regarding the above matter.

Application Type - Application for a New Premises Licence (sale of alcohol off sales - delivery only)

Applicant: - New Oak Wines, 41 Mayfields, Greenways Estate, Spennymoor. DL16 6RW

Premises - New Oak Wines, 41 Mayfields, Greenways Estate, Spennymoor. DL16 6RW

Date of Application - 16 February 2012 Last date for representations - 15 March 2012

Please find attached this Department's comments previously forwarded to the applicant.

Provided the criteria cited in the attached letter are complied with this Division is of the opinion that the proposal would not constitute a Change of Use and, as such, this Division would not object to the requested licence.

Regards

David

APPENDIX 7 – STATEMENT OF LICENSING POLICY

6.0 Public Safety

6.1 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.

6.2 Applicants are advised to seek advice on such matters as the examples outlined from the Council's Occupational Safety and Health team, 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

8.0 Protection of Children from Harm

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

8.2 The Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:

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

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

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

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

Events which are aimed at children under the age of 18 years on licensed premises will not be looked on favourably by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

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

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

Access to Cinemas

8.7 In the case of premises which are used for film exhibitions, applicants should include in the Operating Schedule arrangements for restricting access only to those children who meet the required age limit, in line with any

certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

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

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

Children and Public Entertainment

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

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

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

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