

Statutory Licensing Sub-Committee

20th December 2016

Application for the Grant of a Premises Licence



Report of Jane Robinson, Corporate Director, Adult & Health Services

Name and Address of Premises: Next Door, 67 Saddler Street, Durham DH1 3NP

1. Summary

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

Gingeroma Ltd
Finchale House
Belmont Business Park
Durham
DH1 1TW

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

2. Details of the Application

An application for the grant of a premises licence was received by the Licensing Authority on 28th October 2016. A copy of the application is attached as Appendix 2.

The application is deemed by the Licensing Authority to be correctly served.

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

Activities	Days & Hours Requested
Sale of Alcohol (on and off sales)	11:00 – 01:00 hrs Monday to Sunday
Provision of Films (indoors and outdoors)	09:00 - 01:30 hrs Monday to Sunday
Live Music (indoors and outdoors)	11:00 – 01:00 hrs Monday to Sunday
Recorded Music (indoors and outdoors)	09:00 – 01:00 hrs Monday to Sunday

Performances of Dance (indoors and outdoors)	11:00 to 01:00 hrs Monday to Sunday
Anything of a similar description	11:00 – 01:00 hrs Monday to Sunday
Late night refreshment (indoors and outdoors)	23:00 – 01:30 hrs Monday to Sunday
Opening Hours	09:00 – 01:30 hrs Monday to Sunday
	See application for non standard timings To extend the times on New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day. To extend the terminal hour for an additional hour on the day when British Summer Time begins (from GMT to BST)

The applicant has proposed the steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application form.

3. The Representation

The Licensing Authority received two letters of representation from 'other persons', namely Cllr Ormerod and Mr Brydon. The licensing authority consider the letters to be relevant.

The representations relate to the following licensing objective:

- The Prevention of Public Nuisance

A copy of the representations are attached as Appendix 3.

For Members information – The applicant's agent entered into discussions with two of the Responsible Authorities within the consultation period which resulted in the application being amended to include:-

- Environmental Health Department - No amplified or live music played outside after 10pm
- Local Safeguarding Children Board – All members of staff shall be trained to seek credible photographic proof of age from any person who appears to be under the age of 21 and is seeking to purchase alcohol. Such credible evidence shall include a photograph of the customer which will either be a passport, photographic driving licence, proof of age card carrying the pass logo or a Military ID.

-
- All training for staff related to the prevention of sales of alcohol to those underage shall be documented.

There were no representations received from any of the Responsible Authorities.

The licensing authority received an application on 23rd November 2016 to vary the Designated Premises Supervisor (DPS) from Mr Fabio Ciampolillo to Ms Lesley Anne Ciampolillo and Durham Constabulary have no objections to this application.

The applicant's solicitor, Matt Foster, volunteered four additional conditions set out in the email dated 5th December 2016 to alleviate concerns. This information was forwarded to all parties. Mr Brydon confirmed that his representation would remain and no response was received from Cllr Ormerod.

See Attached as Appendix 4.

4. Parties

The Parties to the hearing will be:

- Gingeroma Ltd (Applicant)
- Mr Matt Foster – Mincoffs (Applicant's Solicitor)
- Cllr Ormerod (Other person)
- Mr Brydon (Other person)

5. Durham County Council Statement of Licensing Policy

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

- 9.0 Prevention of Public Nuisance
- Appendix B - Framework Licensing Hours

Relevant information is attached as Appendix 5.

6. Section 182 Guidance

The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under section 182 of the Licensing Act 2003 as follows:

- 2.14 - 2.20 Public Nuisance

Relevant information is attached as Appendix 6.

7. For Decision

The Sub-Committee is asked to determine the application 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 March 2015)

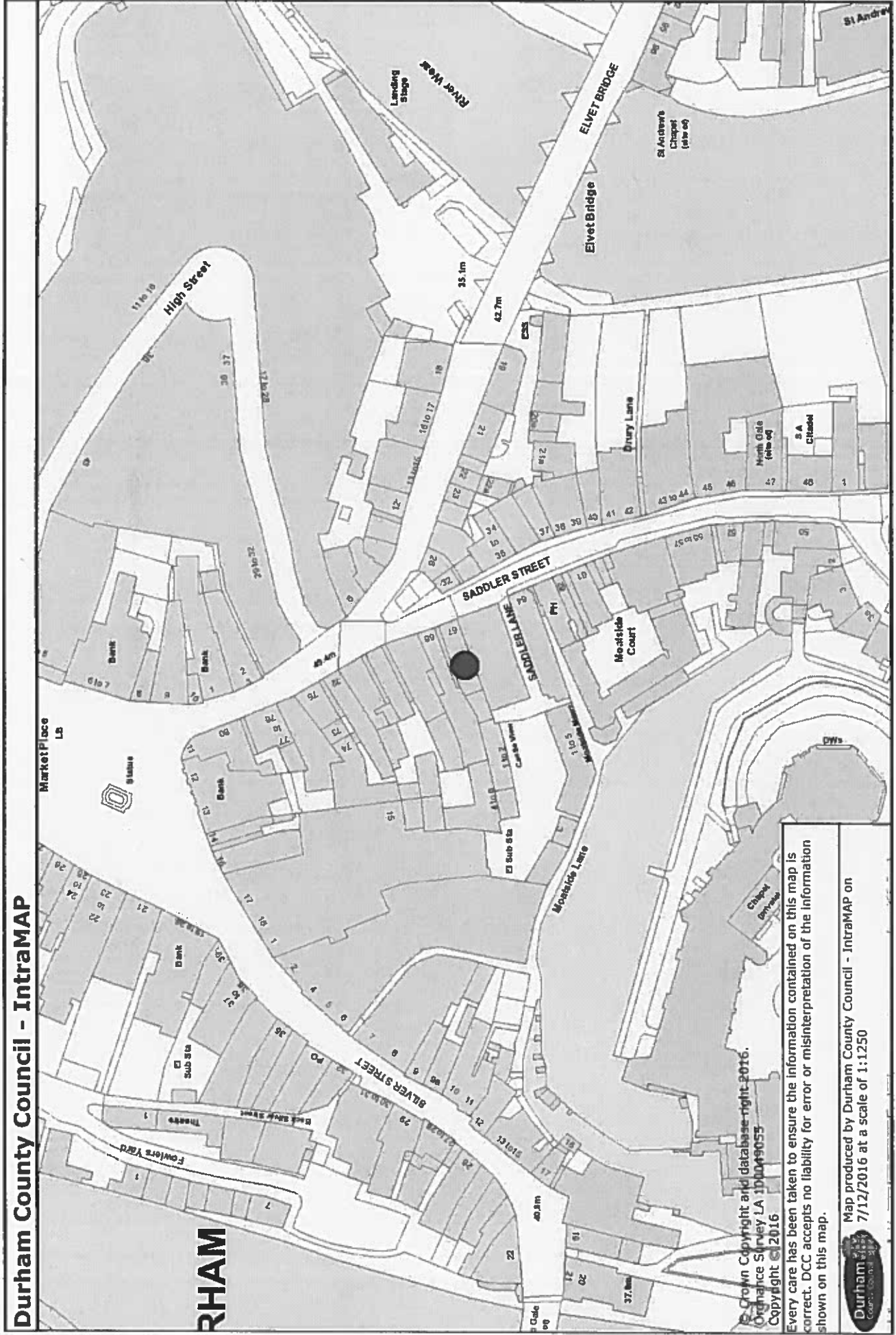
Contact: Karen Robson

Tel: 03000 265104

Email: karen.robson2@durham.gov.uk

APPENDIX 1 – LOCATION PLAN

Durham County Council - IntraMAP



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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.

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APPENDIX 2 – APPLICATION FORM

Rec'd 25/10/16

Ref: 049394

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n-

05 25/11

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.

28 OCT 2016

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

I/We Gingeroma Limited

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			
Next Door, 67 Saddler Street			
Post town	Durham	Post code	DH1 3NP
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£14750	

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 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 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) 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:

Please tick yes

- 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 type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal 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		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
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	Gingeroma Limited
Address	

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note1)

Bar/Restaurant - Please see attached Operating Schedule.

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 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 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)	Both
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 a play at different times from 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 films take place indoors or outdoors or both - please tick	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input checked="" type="checkbox"/>
Mon	09:00	01:30	Please give further details here (please read guidance note 3) Anything that might be shown of screens which is not simultaneously broadcast and shown.	
Tue	09:00	01:30		
Wed	09:00	01:30	State any seasonal variations for the exhibition of film (please read guidance note 4)	
Thur	09:00	01:30		
Fri	09:00	01:30	Non standard timings. Where you intend to use the premises for the exhibition of film at different times from those listed in the column on the left, please list (please read guidance note 5)	
Sat	09:00	01:30	To extend the times on New Years Eve, from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. To extend the terminal hour for an additional hour on the day when British Summer Time begins (from GMT to BST).	
Sun	09:00	01:30		

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non-standard timings. Where you intend to use the premises for indoor sporting events at different times from 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			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Wed				
Thur			Non-standard timings. Where you intend to use the premises for the boxing or wrestling entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)	
Fri				
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 checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) The premises wishes to have the flexibility to cater to different musical tastes, and this may include the provision of live music at the premises.	
Mon	11:00	01:00		
Tue	11:00	01:00	State any seasonal variations for the performance of live music (please read guidance note 4)	
Wed	11:00	01:00		
Thur	11:00	01:00	Non-standard timings. Where you intend to use the premises for the performance of live music at different times from those listed in the column on the left, please list (please read guidance note 5) To extend the times on New Years Eve, from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. To extend the terminal hour for an additional hour on the day when British Summer Time begins (from GMT to BST).	
Fri	11:00	01:00		
Sat	11:00	01:00		
Sun	11:00	01:00		

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 checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Music played through a speaker system.	
Mon	09:00	01:00		
Tue	09:00	01:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)	
Wed	09:00	01:00		
Thur	09:00	01:00	Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list (please read guidance note 5) To extend the times on New Years Eve, from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	
Fri	09:00	01:00		
Sat	09:00	01:00		
Sun	09:00	01:00		

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 checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	11:00	01:00		
Tue	11:00	01:00	State any seasonal variations for the performance of dance (please read guidance note 4)	
Wed	11:00	01:00		
Thur	11:00	01:00	Non-standard timings. Where you intend to use the premises for the performance of dance at different times from those listed in the column on the left, please list (please read guidance note 5) To extend the times on New Years Eve, from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	
Fri	11:00	01:00		
Sat	11:00	01:00		
Sun	11:00	01:00		

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 that 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"/>
Mon	11:00	01:00		Outdoors <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
Tue	11:00	01:00	Please give further details here (please read guidance note 3) To the extent that the premises requires it, it is applied for.	
Wed	11:00	01:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)	
Thur	11:00	01:00		
Fri	11:00	01:00	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)	
Sat	11:00	01:00	To extend the times on New Years Eve, from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	
Sun	11:00	01:00		

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)	
Day	Start	Finish	Indoors <input type="checkbox"/>	Outdoors <input type="checkbox"/>
Mon	23:00	01:30		Both <input checked="" type="checkbox"/>
			Please give further details here (please read guidance note 3)	
Tue	23:00	01:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Wed	23:00	01:30		
Thur	23:00	01:30		
Fri	23:00	01:30	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	23:00	01:30	To extend the times on New Years Eve, from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. To extend the terminal hour for an additional hour on the day when British Summer Time begins (from GMT to BST)	
Sun	23:00	01:30		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both <input checked="" type="checkbox"/>
Mon	11:00	01:00		
Tue	11:00	01:00		
Wed	11:00	01:00		
Thur	11:00	01:00		
Fri	11:00	01:00		
Sat	11:00	01:00		
Sun	11:00	01:00		
			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 5) To extend the times on New Years Eve, from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	

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

Name	Fabio Ciampolillo		
Address			
Postcode			
Personal licence number (if known)	Duff		
Issuing licensing authority (if known)	Durham County Council		

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 8)

L

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	
Mon	09:00	01:30	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 5) To extend the times on New Years Eve, from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. To extend the terminal hour for an additional hour on the day when British Summer Time begins (from GMT to BST).
Tue	09:00	01:30	
Wed	09:00	01:30	
Thur	09:00	01:30	
Fri	09:00	01:30	
Sat	09:00	01:30	
Sun	09:00	01:30	

M

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)

Please see attached Conditions

b) The prevention of crime and disorder

Please see attached Conditions

c) Public safety

Please see attached Conditions

d) The prevention of public nuisance

Please see attached Conditions

e) The protection of children from harm

Please see attached Conditions

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 plan to the responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be 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

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 (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	27th October 2016
Capacity	Applicant's Solicitor

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	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Matt Foster
Moncoffs Solicitors
5 Osborne Terrace
Jesmond

Post town	Newcastle upon Tyne	Post code	NE2 1SQ
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Telephone number (if any)	0191 212 7702
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Next Door, 67 Saddler Street, Durham

Conditions

28 OCT 2016

General

- Written protocols will be in place detailing Policies, Procedures, Roles and Responsibilities in the effective implementation and management of the licensing objectives. This documentation will be held 'on-site' and made available to Responsible Authorities on reasonable request
- Authorised staff employed by Durham Police shall have free access to all parts of the licensed premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives
- The premises will provide written evidence of the maximum capacity for the premises and this will be displayed at all entrances and exits. This capacity will be confirmed and set by County Durham and Darlington Fire and Rescue Authority
- Where a Pub-watch exists, the premise will be an active member, and will attend meetings, and join activities
- Alcohol sold for consumption off the premises shall be in sealed containers.
- The premises will meet the following minimum seating requirements:
 - Ground Floor – Cellar Room - 8
 - First Floor – Garden Terrace - TBC
 - First Floor – Bar Dining – 10
 - Second Floor – Dining One – 15
 - Third Floor – Dining Two – 15
 - Fourth Floor – Sky Terrace – 20
- The bar on the first floor will operate no more than four draft products.
- The bridge allowing access between the premises, will be for staff use only.

The Prevention of Crime and Disorder

- CCTV will be installed and maintained in good working order with recordings stored for a minimum of 28 days. The system will incorporate a 'Battery Back -up' system to enable 24hr continuous recording in case of any power blackout / failure. The premise will ensure that at least one trained member of staff is available to operate the system and to download any images requested by an authorised officer upon reasonable request.
- Notices will be clearly displayed at the entrance and around the premise stating CCTV is in operation
- The premises will provide suitable devices (USB or discs) for the storage of downloaded images and these devices will be securely stored. These devices will be made available to Responsible Authorities on reasonable request.
- Door supervisors will be provided on a risk assessment basis.

Public Safety

- The premise will maintain an incident book and record all instances of disorder both inside and directly outside the premise. This documentation will be held 'on-site' and made available to Responsible Authorities on lawful request

The Prevention of Public Nuisance

- The Designated Premise Supervisor (DPS) will actively work with local Beat Officers/PCSO's in the reporting of any incidents recorded by the premise
- The licensee shall display a prominent notices in a position where it can be conveniently read by customers leaving the premises reminding those customers to leave quietly

The Protection of Children from Harm

- No unaccompanied children under 16 years of age will be admitted to the premises after 21:30hrs
- Children aged between 16 and 18years must leave the premises by 22:30hrs
- No persons under the age of 18 years old will be permitted to consume alcohol on the premises

-
- Section 149(5) of the Licensing Act allows persons aged 16 and 17 to consume certain types of alcohol with a meal so long as they are accompanied by a person aged 18 or over. That condition shall be excluded from the operation of this premises.

Next Door, 67 Saddler Street, Durham

Operating Schedule

28 OCT 2016

Introduction

This application is made to licence a venue which is to be used for a mix for leisure activities. The premise will operate a bar dining area, as well as several dining rooms and two outside spaces. The premises will sell Italian Tapas, with accompanying Italian wines, prosecco, prosecco cocktails and a substantial further cocktail menu. There will be one bar at the premises on the first floor, but provision will be made elsewhere for alcohol service, and storage. Service of alcohol will also be made from chillers on the third floor and storage display within other areas in the premises.

Activities and Hours

The hours of operation at the premises will be 09:00 to 01:30, with sales of alcohol starting from 11:00 and finishing at 01:00. The premises will trade with the ability to operate for coffee/light bites seasonally, predominantly within the Garden terrace and Sky Terrace. It is also the intention of the operator to apply for a permission to operate civil marriage ceremonies from the Second and Third Floor Dining Rooms and the Sky Terrace, subject to permission.

The food offering at the premises will be predominantly Italian Tapas, also known as Cicheti. This type of food has been made famous by the Venetian style of dining on 'small bites' and indeed 'Ciccus'; is Latin for small. From simple stuffed olives to polpetta, a fried veal and potato meatball, cicheti creates a platter of delicious bites to be had traditionally in an informal dining experience, with lots of smaller dishes.

If you were taking some time out in a venetian café it would be typical to accompany cicheti with a glass of local wine. Cicheti is traditionally offered in bars and informal restaurants, and that is the type of atmosphere we are looking to duplicate in this venue. The layout, whilst narrow, lends itself perfectly to a more intimate and casual dining experience, which is typically cicheti. This can be created successfully here on all the floors, without overwhelming the experience. This is something different for Durham, something not already done. It will provide more diversity for the city and add to the character of Saddler Street.

Operators

The premises is to be operated by the owners of La Spaghetata, and so there will be a certain symbiosis between the premises. This business will also be operated by the family although this building is owned, whereas La Spaghetata is leased. The premises will trade separately, and will have very different characters. There is the provision within the designs to allow access from one premises to the other. There are fire safety and capacity issues to take into account in operating such an arrangement. Initially, access between the premises will be staff only. This will be formalised by a condition on the premises licence. Any change to this arrangement will have to be discussed with the fire officer and the police to determine a safe way of allowing such flexibility. Initially, it will allow the premises the flexibility to offer a move 'involved menu' at times, than might be possible in the kitchen provided on the third floor of the premises. This might be of particular use in circumstances where catering is provided to functions such as weddings.

Ground Floor

The premises is accessed from the ground floor, with two means of accessing the first floor: up the main staircase accessing all floors, or via the stairs past the Cellar Room. The Cellar Room will be available by reservation only and at other times will be gated/locked. The Cellar room is a feature of the premises with a vaulted ceiling, with capacity for perhaps 8-125 people. There will be bench seats and a long table.

First Floor

The first floor provides a bar and reception area to hold customers prior to and following food. Seating will be provided in the Garden Terrace and in the Dining Bar at the rear. No minimum seating has yet been determined for the Garden Terrace, although seating will be provided. The Bar Dining area will be a mix of diners and drinkers, with high tables and stools. There will be a minimum of four tables/poseurs and 10 chairs/stools. With no cellar serving the venue, there is therefore limited space available for draught beer/lager. This will necessitate storage behind the bar, limiting the size of Keg to 9/11 Gallons. Draught beers will be premium lagers such as Peronni, San Miguel or Moretti. Beers/casks will be hand selected, and likely be from a range of local micro- breweries and small regional breweries. The premises is not tied to a brewery/provider so the cheaper range of draughts needn't be sold here. There will be provision for three draughts behind the bar, in addition to chillers for continental beers/lager, wine and prosecco and cocktails.

Second Floor – Dining Room One

The Second floor will house Dining Room One, which will have a minimum seating provision of 15. Alcohol service will be from both the bar and the third floor kitchen which will contain chillers with a limited range of products.

Third Floor – Dining Room Two

The third floor will house Dining Room Two, again with a minimum seating capacity of 15. Service of alcohol in this area may in the most part take place from chillers in the kitchen or displays.

Fourth Floor – Dining Room and Sky Terrace

Located in the former loft of the building permission has been given for a terrace and conservatory, with outstanding views across Durham. We anticipate that this floor will be used predominantly by the users of the Dining Rooms, or as a dining area itself. This floor will have the largest minimum seating provision, at 20. We anticipate this area will be a popular location for functions, and we believe it will be particularly attractive as a location for small summer weddings.

Capacity

Whilst yet to be determined, we anticipate the capacity across the floors will be in the region of 180/200, with seated provision for over half of that number (excluding the Garden Terrace seating which is to be determined). Once agreed, we will be happy to provide a capacity within the premises licence, if required.

APPENDIX 3 – LETTERS OF REPRESENTATION

From: Cllr Richard Ormerod
Sent: 21 November 2016 16:10
To: Neighbourhood Services Licensing
Cc:
Subject: 67 Saddler Street

Dear Sir/Madam,

I would like to object to the granting of a premises licence to "Next Door" of 67 Saddler Street, Durham DH1 3NP.

I believe it would contravene the council's licensing objective of prevention of public nuisance, due to the application being for live music and dance after 11pm.

There are several residential properties in this area (such as Moatside Lane) which will experience public nuisance, including sleep deprivation.

Yours sincerely,

Councillor Richard Ormerod
Elvet & Gilesgate Division
Representing the Durham City communities of Elvet, Crossgate, Sidegate, St Nicholas and Gilesgate Bank
Helvellyn, 14 Geoffrey Avenue
DURHAM
DH1 4PF
Tel: 03000 268758

24 November 2016

The Licensing Authority
Durham County Council
EHCP (Licensing)
PO Box 617
Durham DH1 9HZ

Nicol Brydon
Moatside Mews
Saddler Street
Durham DH1 3PQ

Dear Sir/ Madam

Application for the grant of a Premises Licence under Section 17 Licensing Act 2003 by Gingeroma Limited in respect of a premise to be known as Next Door, 67 Saddler Street, Durham DH1 3NP

I refer to the above application and wish to strongly oppose it on the grounds of Prevention of Public Nuisance.

The application includes various licensable activities including the playing of music up to 1.30a.m.

I am a student at Durham University. I live very near to the premises in an attic room. I firmly believe that if the licence is granted it will impact my amenity and that of others living nearby. In particular it will prevent me from sleeping due to music and associated noise from this five-storey building. This will cause me sleep deprivation and stress.

As supporting evidence for my objection I would confirm that I moved into my flat at Moatside Mews in early October 2016. Since then I have been disturbed nightly by loud music and associated noise coming from the premises adjacent to "Next Door" at 66 Saddler Street. This establishment is known as Fabio's and La Spaghetatta. My sleep has been badly disrupted up to seven days per week until at least 1 a.m. and often later to the extent that I am constantly exhausted and my studies are beginning to suffer. I supplied evidence of this recently to Mr Graham Davison at Durham Council. I believe that the proposed premises to be known as Next Door at 67 Saddler Street and the premises known as Fabio's and La Spaghetatta at 66 Saddler Street are owned by connected parties and will operate in a similar fashion.

I am 19 years old. The thought of a seven-day late night licence being issued to "Next Door" and the resulting late night noise into my property is simply unthinkable to me.

Please acknowledge receipt of this letter by email to me at

Yours Faithfully

Nicol Brydon

**APPENDIX 4 – EMAIL FROM MATT FOSTER &
RESPONSE FROM MR BRYDON**

From: Matt Foster

Sent: 05 December 2016 17:05

To: Karen Robson

Subject: Re: Next Door, Saddler Street, Durham

Dear Karen,

Further to my clients meeting with Mr Brydon (Snr), last week we are prepared to offer the following conditions:

1. Live music on the premises shall be limited to acoustic instruments with amplified voice.
2. There will be no amplified or live music played outside after 10pm
3. Music played at the premises, other than on the first floor, should never be played at such a level as customers cannot talk in comfort.
4. A noise limiter will be installed in the first floor bar area. It shall be set to a level agreed with Environmental Health.

Kind regards,

Matt

Matt Foster

Partner

mincoffs
SOLICITORS

Karen Robson

From: Nicol Brydon
Sent: 07 December 2016 20:24
To: Karen Robson
Subject: Re: Next Door, Saddler Street, Durham

Dear Ms. Robson

I have had time to examine the papers submitted with the change of use application and I wish my objection to remain. The concerns about noise and other disruption - from the outdoor areas in particular - is still relevant.

Regards
Nicol Brydon

**APPENDIX 5 – STATEMENT OF LICENSING POLICY
PREVENTION OF PUBLIC NUISANCE
& FRAMEWORK OF HOURS**

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

9.0 Prevention of Public Nuisance

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

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

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

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

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

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

9.6 The extent to which the above matters will need to be addressed will be dependent on the nature of the area where the premises are situated, the type of

premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

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

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

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

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

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

APPENDIX 6 – SECTION 182 GUIDANCE - PUBLIC NUISANCE

S182 GUIDANCE – PUBLIC NUISANCE

2.14 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.

2.15 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.

2.16 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 15). 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.

2.17 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.

2.18 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.

2.19 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.

2.20 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.