

APPENDIX 5 – REPRESENTATION LETTERS



Chester-Le-Street Central Resident Association.

Licence Manager
Durham County Council

Mr D.Briggs
Wesley Terrace
Chester-Le-Street
County Durham

15th March 2017

New Premise licence application 1-2 Red Rose Terrace Chester-Le-Street.

I want to submit an objection to this application on the grounds of it does not comply with all the objectives of an application. The area is a heavy residential one which the impact this will have licence as it stands will be very detrimental to all those living there. The late hours will spoil everyone's sleep patterns and cause sleepless nights which can lead to depression. The thought of music echoing all around outside all day till late will drive residents out of their homes during the day, not all like modern music. The smokers outside are not to be considered as this will have a big impact on residents and other passing by, from the shouting and often foul language. The area at lunch time is full of school children. Music till the early hours, these owners must not care about anyone living around the premises. Everyone will lose their quality of life they have made for themselves, with all this noise pollution. The area will go downhill with litter, noise and mess. You are adding to more misery to residents by granting this application as it stands. You as a council are there to protect and look after our wellbeing not just children but adults care as well. You must reject this application as it stands as it is not acceptable.

Yours Sincerely

Derek Briggs
Chairman

F + R Raine

Durham County Council
Licensing Manager.

New Premises Licence Application for 1&2 Red Rose Terrace Chester-Le-Street.

Dear Manager.

I wish to submit an objection to the application. The hours they are planning in a residential area is not acceptable, the noise from patrons leaving and car doors banging we will get no sleep. The live music and recorded music playing outside will give us no peace. Our lives will be totally destroyed by the application. Residents are living next door and within metres of these premises, many are elderly and have lived here for years. We will have no quality of live if this goes ahead. As a council you have a duty of care to look after people and the old. The staff will be a long way from the front area and will not be able to control this part outside. In the old club they put benches out and everyday those sitting outside used to shout at passing vehicles and other people walking passed. Please consider the residents who have to live here and amended this to give us some peace.

Yours.



WEAR ST.
DH3 3PE

Why has this opening of a Bar etc. not been open for discussion with the residents?

Do the owners realize that the back areas are open and will be used for not pleasant activities? Drugs, drunkenness, fornication excrement and general defacing of this area.

We presume some-one has looked at this kind of misuse and thought about people round about.

Not forgetting Taxis stopping (where?) on double yellow lines in front of private residences of course

Then there is pedestrian access. Over Suicide Crossing as we locals call this crossing area.

Surely planning and police have checked the feasibility of all these aspects

R Clayton

Durham County Council
Licensing Manager.

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OBVIOUSLY THE FRONT OF THE PREMISES WILL
BECOME THE SMOKING AREA, ADDING TO THE
NOISE LEVEL + MESS. R.C.

Yours /

RED ROSE TERR.

This proposal is not
taking into consideration,
the people living directly
next door and above the
premises 1-2 Red Rose Terrace

There should be a
visit by some-one in
Authority to check the
Residents

Wear Street, Chester-le-Street, Co. Durham DH3 3PG

Telephone: t

12th March 2017

Dear Sirs

Licence Application 1 and 2 Red Rose Terrace, Chester-le-Street, Co. Durham

It has been brought to our attention that there is an application for a licence for the premises of the former Relton Club in Chester-le-Street. Whilst we accept that there is not a change of use to these premises, we object most strongly to the terms of the new licence application, particularly with regard to the opening/closing hours, and the playing of music, both live and recorded. Have the applicants, or any members of the Planning Committee, any idea what it is like to live in an area which has been taken over by late licenced pubs and takeaways? We can assure you it is horrendous. We have lived here since 1974, and during recent years there has been an increase in the takeover of our residential area, particularly with noise pollution and the fouling of our streets. On Friday and Saturday nights the noise from people leaving the licensed premises at the top of Chester-le-Street in the early hours of the morning is appalling-shouting, screaming, and often, fighting. These disturbances occur nearly every weekend, and at times it is very wearing. Recently, we could hear what sounded like several people being sick outside our houses, and in the morning, a wonderful sight awaited us. As the fouling was at the top of the street, we cleaned it up as everyone passing, or visiting, would have to walk past. Sometimes the fouling is worse – people using our streets as toilets – very nice! Groups of people sitting outside drinking can be very intimidating, and a walk to the bus stop takes on a whole new meaning. These premises on Red Rose Terrace are very close to our homes, having originally been houses themselves, and are attached to other residential properties. What chance do these residents have of getting any peace? Some of them have been talking about moving since this Application became known – why should people be forced out of their homes by thoughtless individuals intent on their own pursuit of “pleasure”? Please, come and see for yourselves the proximity of the houses and apartments to these premises in Red Rose Terrace – we are sure you would not want this licence to be approved if you lived here. We ask you to reject this licence, and to consider the people who live in the area.

Yours faithfully

**LESLEY CORFIELD
7 WEAR STREET**

**GEORGE T. CURRY
5 WEAR STREET**

L G Taylor

Durham County Council
Licensing Manager.

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Yours

W. ST.

MR UNDERWOOD
See Report

Durham County Council
Licensing Manager.

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Hawthorn Get

R Lancaster

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LUMLEY TERRACE

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Lumley Tco

Durham County Council
Licensing Manager.

MRS JOAN REYNOLDS
LUMLEY TCE.
CHESTER-LE-STREET.

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Lumley Terrace

The Occupier

Lumley Terrace

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Yours

Mr R H STEVENS

NEAR ST
CHESTER. LE. ST
CO. DURHAM
DH3 3PG.

Durham County Council
Licensing Manager.

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WEAR ST
CHESTER-LE-ST.

Re E-e C Beach

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Yours

weat St
chester. L. ST
to Durham DH33 PG

F & R Raine

Durham County Council
Licensing Manager.

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WEAR STREET
DH3 3PG

Yours

/

D Morgan

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HAWTHORN TERR
C-L-S

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THE AREA AROUND THE PREMISES WILL
END UP BEING A RUBBISH TIP, AS
PEOPLE WAITING FOR TAXIS,

Yours

RED ROSE, TERR

K Penna

Durham County Council
Licensing Manager.

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Yours

Broadwood View.
Chester-le-Street.
Durham.
DH3 3NJ.

The Occupier

2
Roppey Lane

DM3-3NL

Durham County Council
Licensing Manager.

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Dear Manager.

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C Wilson

LUMLEY TERRACE

Durham County Council
Licensing Manager.

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Lumley Terr

DH3-3NW

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Terry T. Quinlivan

Durham County Council
Licensing Manager.

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TERRY QUINLIVAN

HAWTHORN TCE
CHESTER-LE-STREET
CO. DURHAM
DH3 3PE

TERRY QUINLIVAN

Durham County Council
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(
Hawthorn Terrace
)

K Elliott

Durham County Council
Licensing Manager.

weardale Tce
CH-LE-ST
DH33PQ.

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Durham County Council
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The Occupier
Wear Street
Chester-Le-Street
DU3 3pg

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Andy Re-

Mrs Standish

Wendale Terr

Chester-le-Street

DH3 3PQ

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Licensing Manager.

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Durham
DH13 3PG

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Dear Manager.

We are appalled at this application in our residential area, there are people's homes all round this premises, and many have lived here for years and bought their homes for peace and a good quality of life in retirement. This will be shattered by this application. The hours are just not acceptable and there will be no control on these patrons coming out in the early hours, shouting and hanging around for transport home, urinating in the streets around. Vehicles standing engines roaring and doors being slammed closed. The late hours most residents will have gone to bed to be woken up and unable to get back to sleep as the noise will still be going on after the premises are closed. Having seating outside will bring noise and smell through the day and late at night. The live music blasting out for everyone sleeping or trying to watch the television in their own home will just hear the thud thud of modern music. We live here because it is a good neighbourhood and we have a quality of life we like, we do not want this to change so we are requesting you turn this application down.

A Hardy

Wear St
DH3 3PG

Durham County Council
Licensing Manager.

New Premises Licence Application for 1&2 Red Rose Terrace Chester-Le-Street.

Dear Manager.

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Mrs S Gange

Durham County Council
Licensing Manager.

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Lumley Ice.

Mr B George

Durham County Council
Licensing Manager.

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Lancey Tan

The Occupier

WEAR ST
DH3 3FG

Durham County Council
Licensing Manager.

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WEAR Street

The Occupier

WEAR ST
CH. LE-ST
D13 3PG

Durham County Council
Licensing Manager.

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Dear Manager.

I wish to submit an objection to the application. The hours they are planning in a residential area is not acceptable, the noise from patrons leaving and car doors banging we will get no sleep. The live music and recorded music playing outside will give us no peace. Our lives will be totally destroyed by the application. Residents are living next door and within metres of these premises, many are elderly and have lived here for years. We will have no quality of life if this goes ahead. As a council you have a duty of care to look after people and the old. The staff will be a long way from the front area and will not be able to control this part outside. In the old club they put benches out and everyday those sitting outside used to shout at passing vehicles and other people walking passed. Please consider the residents who have to live here and amended this to give us some peace.

Yours.

K Rothwell

WEAR ST

CH-LE-ST

DH3 3PG

Durham County Council
Licensing Manager.

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N.B HAS ANY PERSON FROM PLANNING
BEEN TO THE SITE TO CHECK HOW
CLOSE IT IS TO RESIDENTIAL HOMES

The Occupier

Durham County Council
Licensing Manager.

Wear Street
Chester-le-Street
Co. Durham
DH3 3PG

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Durham County Council
Licensing Manager.

Wear St.
DH3 3PG

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Yours.

D + J Skeoch

Durham County Council
Licensing Manager.

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Yours.

UNION COURT
DH3 3PA

A K Sindair

Durham County Council
Licensing Manager.

New Premises Licence Application for 1&2 Red Rose Terrace Chester-Le-Street.

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Yours.

HORTHORN
TERRACE
1043 3PIE

The Occupier

Durham County Council
Licensing Manager.

Wear Street
Chester-le-Street
Co. Durham
DH3 3PG

New Premises Licence Application for 1&2 Red Rose Terrace Chester-Le-Street.

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Licensing Manager.

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Yours.

*Coronation Street,
Chester-le-Street,
Co. Durham.*



J Morning

Durham County Council
Licensing Manager.

New Premises Licence Application for 1&2 Red Rose Terrace Chester-Le-Street.

Dear Manager.

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Yours.

Broadwood View.
Chester-le-Street
Durham.
DH1 3NJ.

E Greener

Durham County Council
Licensing Manager.

New Premises Licence Application for 1&2 Red Rose Terrace Chester-Le-Street.

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Yours.

UNION COURT,
DH3 3PA .

3 - APR 2017

Red Rose Terrace
Chester Le Street
Co Durham
DH3 3LN

30TH March 2017

Durham County Council
PO BOX 617
Durham
DH1 9HZ

Dear Sir

I wish to register my objections to the licensing application made to you by Mr Scott Walker, 5 Buckingham Road, Belmont, Durham, DH1 2DB for a new premises licence for the premises to be known as The Distillery, 1-2 Red Rose Terrace, Chester Le Street, DH3 3LN.

My objections to the application are based on the prevention of crime and disorder, public safety and the prevention of public nuisance.

The prevention of Crime and Disorder.

The Council's Statement of Licensing Policy 2014-2019 at section 2.14 states

Evidence identifies the links between the consumption of alcohol and binge drinking, crime and anti-social behaviour. In County Durham rates of binge drinking are significantly higher than the rest of England.

The crime statistics for this area show that, in the area north of Ropery Lane, immediately in the vicinity of the licensed premises situated in Front St, before the junction with West Lane, and in the period between January of 2016 and December of the same year, there were a total of 84 crimes recorded by Police. These were listed as 49 offences involving violence or sexual offences, 8 public order offences and 27 antisocial behaviour offences. In the same period South of Ropery Lane, the area in which I live and in which the application has been made, there were a total of 5 offences of these types. The area of housing including Wear Street, immediately opposite the premises, has had the unusual step of a poster campaign by the Police warning against Anti Social behaviour such as sexual activity and urinating in the area. I would suggest that new licensed premises would only contribute towards this clearly significant problem.

I would also suggest that the application should be looked at in light of the Cumulative Impact, listed in the Statement of Licensing Policy under section 11. In recent years there has been an increase in the number of licensed premises at the top of the Front Street, with a collection of 8 premises licensed for alcohol sales and a further 6 fast food outlets. In general, these premises remain open until 2 or 3 in the morning, meaning that their clientele do not finally disburse until perhaps 30 minutes later. It appears to have been council policy to allow the concentration of these premises and these licensed hours, but, in light of the Police action and the crime statistics, which would appear to indicate a serious problem,

should this not now be considered under Cumulative Impact? This would seem to be in line with stated Council policy:-

11.0 Cumulative Impact

11.1 The Licensing Authority recognises that the cumulative effect of the number, type and density of licensed premises (premises selling alcohol for consumption on or off the premises and premises licensed for the provision of late night refreshment) in a given area may cause serious problems of nuisance and disorder outside or some distance from licensed premises.

11.2 Where there is evidence that such a problem exists, the Licensing Authority may decide it is no longer appropriate for any further Licensed premises to be established or variations to existing licences to be made in the area and that a Policy relating to cumulative impact should be adopted.

Public Safety

I enclose some photographs of the immediate vicinity of the premises. You will notice that there is no provision at all for vehicles to stop safely in the area, such as taxi's dropping off customers. The area is bounded by railings, has double yellow lines along most of the street area, has a pedestrian crossing, with zig zag lines in close proximity and has a generally crowded lane to the rear, which has a no entry at the Ropery Lane end. In the past the premises were licensed as a workingmens club. Members tended to be drawn from the local area and walked to the premises, so the problem did not arise. I believe that public safety, especially in the area of the road crossing may well be compromised by the arrival of customers in taxis, which will inevitably have to park in restricted areas in order to allow passengers to alight.

This is an increasing problem in respect of other licensed premises in the immediate vicinity as traffic restrictions are completely ignored during the night. If the Police are unable to control that aspect of road safety already, it seems inevitable that this would be the same scenario in respect of these premises.

Public Nuisance

The objections on the basis of public nuisance can be listed as noise and parking. The Licensing Policy states:-

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.

In the past the Council has viewed the area in which the premises sits as mixed use. I would contend that this view should now be modified as the area has undergone marked changes. Where the old Urban district Council offices stand, right opposite the premises in question, is now a building housing flats for older people. The sprinkling of commercial premises has gradually dwindled, to the point where there is now one shop and a social club in an area of approximately 275 by 175 metres, enclosing around 191 households in 8 streets. I would suggest that the character of the area is residential, and that the proposal is out of step with the area.

With regard to noise nuisance there are clearly concerns around the provision of smoking shelters and noise pollution but also the potential for noise pollution from a flat area of roof which was previously used by the club as a terrace. This is at the rear of the premises and any noise pollution from there would impact significantly as most houses in the area have bedrooms which face in to the lane, and would therefore pick up the noise especially in the evening when there would generally be lower ambient background noise. Additionally the compressors for the previous premises were sited at first floor level. These areas are only metres away from residential properties. The hours applied for would tend to extend that noise pollution in to the early hours of the morning, especially during Bank Holidays and the Christmas and New Year periods, and will create unacceptable noise pollution for residents.

Dispersal of customers will probably be towards the Front Street, which is where the taxi ranks, food outlets and other licensed premises are. Again, this is likely to put pressure on the Wear St area which the Police have already identified as an area of concern for drinking related anti social behaviour.

Parking in the area is an issue, as currently residents in the surrounding streets can find it difficult to park and the premises has no dedicated parking facilities whatsoever. This may well contribute to further noise pollution together with impacting on public safety if either taxis are used more heavily, with accompanying noise, or cars are parked in restricted areas, further compromising safety.

I believe the application is inappropriate for a residential area and would urge the Council to consider carefully the grant of a premises licence. In the application as submitted the hours of opening applied for will have a major impact on a, currently, relatively quiet neighbourhood and will impact on the quality of life in the area, due to late night disturbance through noise and other antisocial behaviour. I believe that there is a clear Cumulative Impact in the area and that the grant of a further license will only serve to aggravate that situation.

Yours faithfully

Paul McAtominey

APPENDIX 6 - EMAIL FROM MR UNDERWOOD

From: Stephen Underwood [mailto:]
Sent: 10 April 2017 11:37
To: Karen Robson <Karen.Robson2@durham.gov.uk>
Subject: Licensing/KR

Dear Karen,

I am writing to you concerning the correspondence you have sent me recently on the above subject.

I am a little confused; from what I can gather from the two previous letters you have sent me it sounds as though I have written to you or made contact stating I am concerned about the Distillery being opened up at the Relton (1-2 Red Rose Terrace).

I haven't written anything or made any contact until now about this and was wondering if someone has or if these were just letters due to my proximity to the property. Basically if someone has written to you using my details it certainly isn't me.

I am not opposed to the opening of the Distillery, if anything I welcome it as the town needs all the business it can get.

Please get back to me as I am interested to know if someone has objected using my details.

Thank you for your time,

STEPHEN UNDERWOOD

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Notify the sender immediately by return email and delete the message, along with any attachments.

Help protect our environment by only printing this email if absolutely necessary. The information it contains and any files transmitted with it are confidential and are only intended for the person or organisation to whom it is addressed. It may be unlawful for you to use, share or copy the information, if you are not authorised to do so. If you receive this email by mistake, please inform the person who sent it at the above address and then delete the email from your system. Durham County Council takes reasonable precautions to ensure that its emails are virus free. However, we do not accept responsibility for any losses incurred as a result of viruses we might transmit and recommend that you should use your own virus checking procedures.

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Like us at facebook.com/durhamcouncil

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

From: Stephen Underwood [mailto:]
Sent: 10 April 2017 12:00
To: Karen Robson <Karen.Robson2@durham.gov.uk>
Subject: Re: Letter of Representation

Hi Karen,

No this is definitely not me. That is my address but as you can see I spell my name with a "ph" and that is not my signature. I'm not part of the Resident's Association.

Somebody has used my details to gain another number in objection to this and like I said in my first email I don't have a problem with this. This is why I contacted you this morning as alarm bells went off when I read your letters.

Thanks,

STEPHEN UNDERWOOD

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On 10/04/2017 11:55, "Karen Robson" <Karen.Robson2@durham.gov.uk> wrote:

Morning Mr Underwood

I have attached a copy of the letter which was received by the licensing authority.

Could you please confirm whether or not you submitted this letter. It was hand delivered in a bundle of letters from the Residents Association.

Regards, Karen

Karen Robson

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

From: Stephen Underwood [mailto:]
Sent: 10 April 2017 12:12
To: Karen Robson <Karen.Robson2@durham.gov.uk>
Subject: Re: Letter of Representation

Hi Karen,

I live at the house myself and if anybody connected with me where to have written that document they would have spelled my name correctly. I think it is highly unlikely it is anybody I know or are connected with me, i.e. friends and family.

Thanks,

STEPHEN UNDERWOOD

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On 10/04/2017 12:10, "Karen Robson" <Karen.Robson2@durham.gov.uk> wrote:

Morning Mr Underwood

Thank you for your clarification. Can I ask is it possible for any other person in your household or connected with you to have written on the document.

Regards, Karen

Karen Robson
Senior Licensing Officer
Adult & Health Services

T: 03000 265104
E: karen.robson2@durham.gov.uk

Web: www.durham.gov.uk

**APPENDIX 7 – APPLICATION AMENDED FOLLOWING MEDIATION
MEETING AND LETTER FROM APPLICANT**

Karen Robson

From: Giles McCourt < >
Sent: 28 March 2017 15:07
To: Karen Robson
Subject: The Distillery - 1-2 Red Rose Terracem Chester le Street

Afternoon Karen

Thanks for your time this morning, it was certainly beneficial.

I confirm that my client now seeks to make the following amendment to his application for a Premises Licence:-

1. CCTV will be installed to the rear of the premises, to cover the refuse area and bin store;
2. The Applicant agrees to a reduction in licensable hours, the stated finishing time of 01:00 in Part A, B, C, E-I will be reduced to 23:30;
3. The premises will be open to the public from 11:00 to 00:00;
4. The Seasonal Variations stated in Part A, B, C, E-I, will be amended to read as follows

Christmas Eve/Boxing Day – 1100 until 0200, New Years Eve – 1100 until 0300, Public and Bank Holiday weekends; Friday, Saturday and Sunday – 1100 until 0200

The premises may operate with the request licensable activities until 01:00 on each occasion where a bona fide private functions (such as, but not limited to weddings, christenings, birthdays) is booked.

5. Deliveries will not be permitted between the hours of 22:00 and 08:00;
6. Bottles, cans and other drinks containers must not be decanted into the outside refuse bins, so that they cause a noise, nuisance and/or disturbance to neighbouring properties and residents between the hours 22:00 and 08:00.

Kind regards
Giles

Giles McCourt
Solicitor
Tel 0191 384 2441 Fax 0191 386 0171

swinburnemaddison.co.uk

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Legal solutions that fit



Venture House
Aykley Heads Business Centre

Karen Robson

From: Giles McCourt <>
Sent: 28 March 2017 17:39
To: Derek Briggs (central_res_assoc@talktalk.net)
Cc: Karen Robson
Subject: The Distillery
Attachments: Committee Members letter 28 3 17 (2).pdf

Afternoon Derek

Thank you for your time this morning. I felt that the meeting was very productive.

My clients have asked that I forward the attached letter. Could you arrange for it to be circulated around the residents please.

Thanks
Giles

Giles McCourt
Solicitor
Tel 0191 384 2441 Fax 0191 386 0171

swinburnemaddison.co.uk

swinburnemaddison[™]

Legal solutions that fit



Venture House
Aykley Heads Business Centre
Durham DH1 5TS
DX: 60206 Durham

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PLEASE consider the environment and only print off this e-mail if it is essential to do so.
Confidentiality: This email and its attachments are intended for the above named only and may be confidential. If they have come to you in error you must take no action based on them, nor must you copy or show them to anyone; please reply to this email or telephone us on 0191 384 2441 and highlight the

THE GIN SPECIALIST



1 Red Rose Terrace | Chester le Street | Co Durham | DH3 3LN

Ref: SPW/MAW/ General / Committee Members

28 March 2017

To: Local Residents of Chester le Street & Committee Members

It was lovely to meet you all today and thank you for attending the meeting this morning to discuss the licensing of the premises of our proposed new Bar and welcomed the opportunity to discuss the local concerns.

We hope that following our discussions we put your minds at rest concerning the type of bar it is our intension to provide to the area, attracting the 25+ professionals/ social clientele, very similar to that of the Holathans bar but at a higher prestige level. We have a vested interest in the street by being from the local area, having a successful day time business and wanting to help improve the local High Street, attract more businesses and people from out of the area to help regenerate more jobs, venues and overall choice to the local area.

We are being very selective of the type of beverages in which we will be providing; spirits, real ales, premium beers, gin specialist, with a view to being very attractive during the day for those who wish to meet socially or for business with a selection of non-alcoholic drinks and food platters | scones etc.

Our aim is to operate a high quality destination venue recreating a sophisticated ambience with background music. We will not run any drinks promotions that would encourage binge drinking. The products and our pricing structure will be such that we will not attract the younger market. We are personally doing a lot of the building works to improve the pub and investing a substantial amount of money into the lighting, furniture and upholstery which we hope to maintain over a long period of time. During non-busy periods we aim to provide a table service for all our customers.

The original side door entrance for the old Relton will not be used, instead a new front doorway will be installed to the front of the premises. The upstairs area of the old club may at a later date be opened up to mirror our setting in a restaurant form and the side door will be their separate entrance.

Our intention over the coming months will be to hopefully set up Gin | Whiskey | Rum Evenings for those who wish to learn more about the produce and encourage social interaction.

We have previously met with the Police and we have been informed we have their full backing and look forward to working with. The feedback we have received from the rest of the community has been exceedingly overwhelming as they are welcoming something a little more upmarket which they are not going to have to travel further afield to enjoy and hopefully as a lot of investment has gone into Chester le Street over the recent years and it would be great to encourage more.

We are currently recruiting experienced staff who are trained and knowledgeable in the bar industry, understand the beverages and can manage their clientele effectively.

continued/....

After our discussions today we have agreed to:

- Install 2 x cameras at the back of the premises with signage to help prevent any misgoings in the alleyway and main road.
- Our licensing on a Bank Holiday Monday will ensure the pub is closed a 12 midnight.
- Our opening hours will be from 11am – 12 am, however we expect to be closing around the normal hours of 11:30, with the occasional time of opening until 1am for a main event or party hosting
- Bottle emptying times will be restricted to non emptying between the hours of 10pm – 8am
- Deliveries into the premises will be restricted to not before 8am

We would be very appreciative if your comments could be cascaded to your other members of the committee, which hopefully lighten their concerns to withdraw their opposition and agree for the license to be permitted. We look forward to seeing you again and the opportunity to welcome and host you into our new bar.

Yours sincerely

Scott & Jill Walker
Director

Mark Worthy
Director

APPENDIX 8 – STATEMENT OF LICENSING POLICY

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

7.0 The Prevention of Crime and Disorder

7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.

7.2 As a matter of policy, the Licensing Authority will require every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter.

7.3 The Licensing Authority recommends that all applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit 14 television in certain premises should be considered by applicants, licencees and event organisers when addressing this issue.

7.4 The Licensing Authority encourages Personal Licence holders to actively participate in established "Pubwatch" schemes, where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "Best Bar None" initiative which enables premises to demonstrate good safe operating procedures. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

7.5 The Licensing Authority recognises and promotes effective and responsible management of all licensed and authorised premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are considered to be among the most important control measures for the achievement of all Licensing Objectives. The Licensing Authority will take a positive view of anyone who invests in appropriate training, and in particular nationally accredited qualifications tailored to the Licensing sector. Training records should be kept available for inspection by all enforcement agencies.

7.6 The application for premises licence must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years.

7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or

issues arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. The Licensing Authority considers it to be good practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:

- Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises.
- At all times when the premises is a "vertical drinking establishment" where little or no seating is provided.
- At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

7.8 The Licensing Authority will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that particular premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

7.9 Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager.

7.10 The numbers of licensed door supervisors, both male and female, required at any premises will be dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.

7.11 In addition to the requirement of the Licensing Authority to promote the Licensing Objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can do to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

7.12 Toughened/Safety Glass Policy: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context.

7.13 Drugs/Knives/Weapons: The Licensing Authority will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands within the

premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

8.0 Public Safety

8.2 Applicants are advised to seek advice on such matters from the Council's Occupational Safety and Health team, Health and safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service, and incorporate any recommendations in their Operating Schedule before submitting their applications.

- First Aid
- Public security
- Event control
- Polycarbonate Glass
- Fire Safety
- Electrical safety
- Building safety
- Transport
- Drink driving issues
- Occupancy levels

9.0 Prevention of Public Nuisance

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

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

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

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

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

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

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

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

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

APPENDIX 9 – SECTION 182 GUIDANCE

S182 GUIDANCE – CRIME AND DISORDER

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

S182 GUIDANCE – PUBLIC SAFETY

2.6 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation.

Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.7 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11-2.12, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.8 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.33-8.41), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

2.9 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

2.10 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for

a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

2.11 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.12 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.13 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

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.