

# Statutory Licensing Sub-Committee

20<sup>th</sup> November 2017



## Application to Vary a Premises Licence

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

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**Name and Address of Premises: Il Palazzo, 105 Galgate, Barnard Castle, County Durham. DL12 8ES**

#### 1. Summary

The Sub-Committee is asked to consider and determine an application from Mr Kamal Alley for the variation of the premises licence for:

Il Palazzo  
105 Galgate  
Barnard Castle  
DL12 8ES

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

A copy of the existing premises licence is attached at Appendix 2.

#### 2. Details of the Application

The application to vary the premises licence was received by the Licensing Authority on 29th September 2017.

The application is to extend the current hours for the Sale of Alcohol and to add the Provision of Late Night Refreshment to the licence.

A copy of the application is attached as Appendix 3.

The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.

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

<b>Existing Premises Licence</b>	<b>Variation Application</b>
Current licensed hours: Sale of Alcohol (for consumption on and off the premises) - Mon to Wed: 11:00 to 23:00 hrs Thur to Sat: 11:00 to 00:00 hrs Sun: 12:00 to 22:30 hrs	<b>Proposed hours:</b> Sale of Alcohol (for consumption on and off the premises) - Mon to Wed: 11:00 to 23:00 hrs Thur to Sat: 11:00 to 02:00 hrs Sun: 11:00 to 02:00 hrs

<p>Late Night Refreshment: Not currently a licensable activity</p> <p>Current Opening Hours: Mon to Wed: 11:00 to 23:30 hrs Thur to Sat: 11:00 to 00:30 hrs Sun: 12:00 to 23:00 hrs</p> <p>All seasonal timings as per premises licence</p>	<p>To remove the additional hour at Bank Holiday weekends (if the variation is granted)</p> <p>Late Night Refreshment (Indoors): Mon to Wed: 23:00 to 23:30 hrs Thur to Sat: 23:00 to 02:30 hrs Sun: 23:00 to 02:30 hrs</p> <p>Proposed Opening Hours: Mon to Wed: 11:00 to 23:30 hrs Thur to Sat: 11:00 to 02:30 hrs Sun: 11:00 to 02:30 hrs</p>
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### 3. Mediation

On 26<sup>th</sup> October 2017, following mediation with Durham Constabulary, Mr Alley added additional conditions to his operating schedule and amended the requested timings for the sale of alcohol as follows:

- Extension of hours for Sale of Alcohol –  
Friday and Saturday **only** until 01:00 hrs with a closing time of 01:30 hrs

(Sale of Alcohol times for other days to remain the same)

Details of the additional conditions agreed by the applicant are attached at Appendix 4.

### 4. The Representations

The Licensing Authority received two representations during the consultation period from the following:

- Durham Constabulary (Responsible Authority)
- Barnard Castle Town Council (Other Person)

On 7<sup>th</sup> November 2017, Durham Constabulary withdrew their representation and confirmed that they considered a hearing to be no longer necessary after Mr Alley amended his application and amended the alcohol timings following mediation.

The one representation remaining from Barnard Castle Town Council relates to the following licensing objective:

- The Prevention of Public Nuisance

A copy of the outstanding representation is attached as Appendix 5.

No representations were received from any other Responsible Authorities.

For Members' information – Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the application:

- Environmental Health Authority (Noise Action Team)
- Planning Officer
- Fire Safety Authority
- Local Safeguarding Children Board

Copies of these responses are attached at Appendix 6.

## **5. Parties**

The Parties to the hearing will be:

- Mr Kamal Alley (Applicant)
- Barnard Castle Town Council (Other person)

## **6. 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 7.

## **7. Section 182 Guidance**

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

- 2.15 - 2.21 Public Nuisance

Relevant information is attached as Appendix 8.

## **8. For Decision**

The Sub-Committee is asked to determine the variation application in light of the representation received.

**Background Papers:**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (as amended April 2017)

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**Contact: Yvonne Raine**

**Tel: 03000 265256**

**Email: [yvonne.raine@durham.gov.uk](mailto:yvonne.raine@durham.gov.uk)**

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## APPENDIX 1 – LOCATION PLAN



**APPENDIX 2 –  
PREMISES LICENCE**



## LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number  
 Granted  
 Issued

PL(A)0007
24 November 2005
02 September 2014

**Part 1 – Premises details**

Postal address of premises, or if none, Ordnance Survey map reference or description	Issuing Authority
<p><b>IL PALAZZO</b>            105 GALGATE            BARNARD CASTLE            DL12 8ES</p>	<p>DURHAM COUNTY COUNCIL            EHCP            LICENSING SERVICES            PO BOX 617            DURHAM            DH1 9HZ</p>
<p><b>Telephone number:</b></p>	

<p><b>Where the licence is time limited the dates</b>          N/A</p>
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<p><b>Licensable activities authorised by this licence</b>          Live Music          Recorded Music          Sale by Retail of Alcohol</p>
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<p><b>The opening hours of the premises (all times in 24hr format)</b></p>		
<p>Monday            11:00 - 23:30          Tuesday        11:00 - 23:30          Wednesday     11:00 - 23:30          Thursday       11:00 - 00:30          Friday           11:00 - 00:30          Saturday        11:00 - 00:30          Sunday          12:00 - 23:00</p>	<p><b>Non standard/seasonal timings:</b>          New Years Eve: 11:00 - 00:00          New Years Day: 00:00 - 23:00          Christmas Eve &amp; Boxing Day - 1 additional hour          Thursday - Monday: 1 additional hour for Easter Bank Holiday Weekend          Friday - Monday: 1 additional hour for May/Spring/Whit/Aug Bank Holiday Weekend</p>	

<p><b>Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales</b>  <b>ON AND OFF ALCOHOL SALES</b></p>
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**The times the licence authorises the carrying out of licensable activities (all in 24hr format)**

**Live music**  
Indoors only

Monday	11:00 - 23:00	Further details
Tuesday	11:00 - 23:00	Up to 2 performers amplified/unamplified
Wednesday	11:00 - 23:00	
Thursday	11:00 - 23:00	Non standard/seasonal timings:
Friday	11:00 - 23:00	N/A
Saturday	11:00 - 23:00	
Sunday	11:00 - 23:00	

**Recorded music**  
Indoors only

Monday	11:00 - 23:00	Further details
Tuesday	11:00 - 23:00	N/A
Wednesday	11:00 - 23:00	
Thursday	11:00 - 00:00	Non standard/seasonal timings:
Friday	11:00 - 00:00	New Years Eve: 11:00 - 00:00
Saturday	11:00 - 00:00	New Years Day: 00:00 - 23:00
Sunday	12:00 - 22:30	Christmas Eve & Boxing Day - 1 additional hour
		Thursday - Monday: 1 additional hour for Easter Bank Holiday Weekend
		Friday - Monday: 1 additional hour for May/Spring/Whit/Aug Bank Holiday Weekend

**Sale by retail of alcohol**  
On and off sales

Monday	11:00 - 23:00	Further details
Tuesday	11:00 - 23:00	N/A
Wednesday	11:00 - 23:00	
Thursday	11:00 - 00:00	Non standard/seasonal timings:
Friday	11:00 - 00:00	New Years Eve: 11:00 - 00:00
Saturday	11:00 - 00:00	New Years Day: 00:00 - 23:00
Sunday	12:00 - 22:30	Christmas Eve & Boxing Day - 1 additional hour
		Thursday - Monday: 1 additional hour for Easter Bank Holiday Weekend
		Friday - Monday: 1 additional hour for May/Spring/Whit/Aug Bank Holiday Weekend

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

MR KAMAL ALLEY

<b>Registered number of holder, for example company number, charity number (where applicable)</b>	
Company no:	N/A
Charity no:	N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol**

MR KAMAL ALLEY

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

REDCAR AND CLEVELAND

**Annex 1 – Mandatory conditions**

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

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

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
  - (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol: -

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

The responsible person shall ensure that:-

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

1. Beer or cider - ½ pint;
2. Gin, rum, vodka or whisky - 25ml or 35ml; and
3. Still wine in a glass - 125ml; and

(b) Customers are made aware of the availability of these measures.

#### **Minimum Price of Alcohol:**

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

2 For the purposes of the condition:

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

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

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

Where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

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

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

## **Annex 2 – Conditions consistent with the premises Operating Schedule**

### **A General**

In order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and or any similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

### **B The Prevention of Crime and Disorder**

There is exterior lighting all around the building. The Pub is an active member of pubwatch. Anti drug/crime posters are displayed. There is a well stocked range of soft drinks for drivers. A burglar alarm is in place. All trade areas are visible from the bar.

### **C Public Safety**

There is a fire alarm in place with smoke detectors and glass break points. Fire blankets are in place and serviced on a contract basis. There is emergency lighting throughout. There are mechanical extraction units in the main trading areas. There are also electric smoke filters.

### **D The Prevention of Public Nuisance**

The building is of stone construction with lockable closed window which retain sound. There is good space all around the building reducing impact on neighbours. The lobbied entrance further reduces noise emissions. Outside drinking is restricted to 22:00.

### **E The Protection of Children from Harm**

Children are only allowed on the premises with an adult, only in the lounge/dining area and only up to 21:00. The AWP is in the bar where children have no access.

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

None

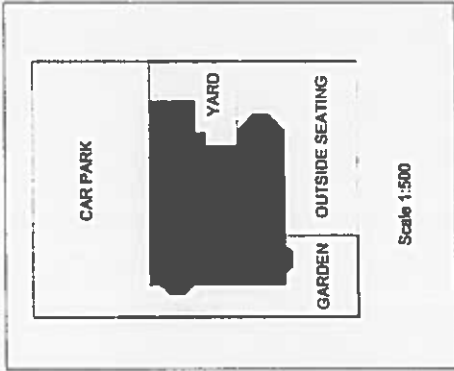
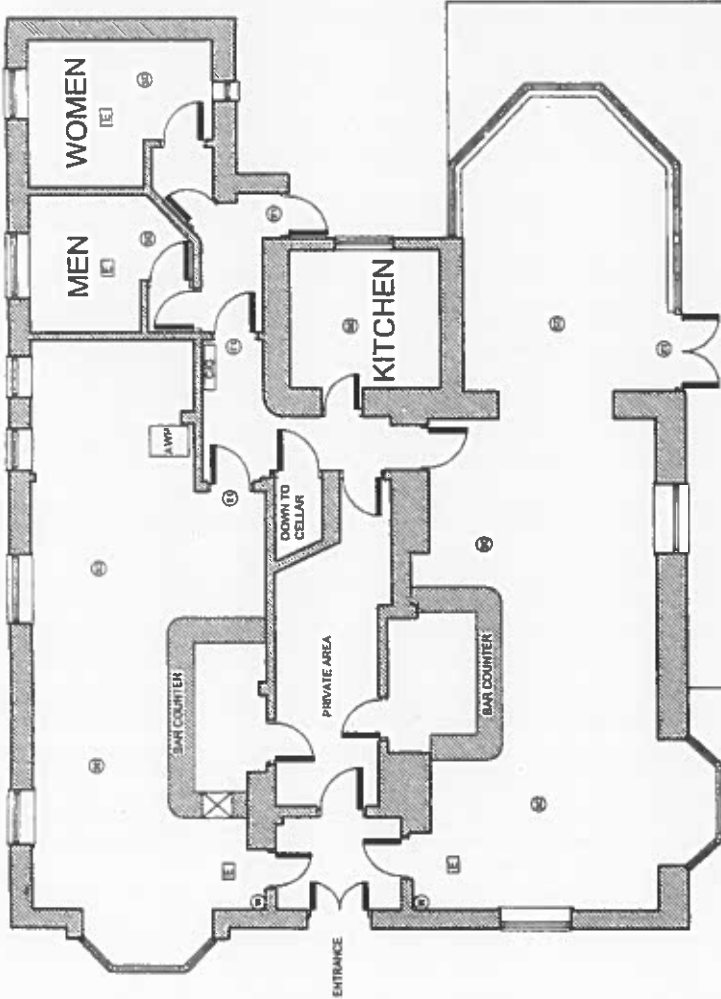
## **Annex 4 – Plans attached**

Attached

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

**KEY**

- Ⓢ SMOKE DETECTOR
- Ⓛ ILLUMINATED EXIT SIGN
- Ⓞ CIGARETTE VENDING MACHINE
- Ⓛ AMP
- Ⓛ FRUIT MACHINE
- Ⓛ EMERGENCY LIGHT
- Ⓛ FIRE EXTINGUISHERS



**EXISTING GROUND FLOOR PLAN**

REV	DATE	DESCRIPTION	BY
A	17.05.05	Revised From Survey	JD
		DETAILS	DRAWN



**ROMANS**  
Surveyors

4 KING STREET LANE, WIMBORNE, BEREKINGE, DORSET  
TELEPHONE: 01202 326 8899  
38 THE AVENUE, SOUTHAMPTON, HAMPSHIRE, SO17 1LN,  
TELEPHONE: 02380 830110  
84 HEATH ROAD, THURSTON, LINCOLNSHIRE, LN1 4BN,  
TELEPHONE: 0206 389 9930  
E-MAIL: ROMANS@ROMANS.CO.UK  
WWW.ROMANS.CO.UK

ON BEHALF OF

**Punch Taverns**

PROJECT TITLE  
**THE BEACONSFIELD, GALGATE,  
BARNARD CASTLE. DL12 8ES**

DRAWING TITLE	SCALE
Existing Floor Plans	1:100
DRAWN	DATE
J. MOLES	08th March 2005
CHECKED	DATE
	201516
REV	REV
001	001

THE ROMANS SURVEYORS ARE PART OF THE ROMANS GROUP INCORPORATING:	
COMMERCIAL SURVEYORS	ARCHITECTURAL
LAND & NEW HOMES	FLOORING
LETTINGS	INTERIOR DESIGN
Group	
ROMANS	

OUTLET NO.  
**201516**

ISO 9001

## APPENDIX 3 – APPLICATION

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

Application to vary a premises licence under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We Mr KAMAL ALLEY  
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	PL (A) 0007
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description	
IL PALAZZO RESTAURANT 105 GALGATE, BARNARD CASTLE DL12 8ES	
Post town	Postcode

Telephone number at premises (if any)	01833638870
Non-domestic rateable value of premises	£

**Part 2 – Applicant details**

Daytime contact telephone number	
E-mail address (optional)	

Current postal address if different from premises address			
Post town		Postcode	

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

to extend Licensing Hours  
 THURS + FRI + SAT + SUN

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:



**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | <b>Provision of regulated entertainment (Please see guidance note 3)</b>                                    | <b>Please tick all that apply</b> |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>          |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>          |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>          |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>          |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>          |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>          |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>          |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>          |

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

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 6)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					



H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 5)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 6)		
Fri					
Sat			<b>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</b> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	2300	2330	Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	2300	2330			
Wed	2300	2330	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	2300	2330			
Fri	2300	2330	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 7)		
Sat	2300	2330			
Sun	2300	2330			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Mon	11.00	23.00			
Tue	11.00	23.00			
Wed	11.00	23.00			
Thur	11.00	02.00			
Fri	11.00	02.00			
Sat	11.00	02.00			
Sun	11.00	02.00	<b>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</b> (please read guidance note 7)		

REMOVE additional  
Hour Bank Holiday  
Weekend

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 10).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	11.00	23.30	<p><b>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 7)</b></p>
Tue	11.00	23.30	
Wed	11.00	23.30	
Thur	11.00	02.30	
Fri	11.00	02.30	
Sat	11.00	02.30	
Sun	11.00	02.30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**

*challenge 25 Policy in Place  
staff trained regularly*

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	28.9.17
Capacity	Director

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)**

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Post town		Post code	
Telephone number (if any)			

**APPENDIX 4 –  
ADDITIONAL CONDITIONS**



- All staff shall be fully trained to perform their role. They will also be trained in the contents of the premise licence including times of operation, licensable activities and all conditions. Such training will be recorded in a register. The register will be made available to the Police or an authorised officer of the council upon request.
- The premise shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.
- The premise shall maintain an incident book, which shall be made available to the Police and authorised officers of the local authority upon request.
- A CCTV system will be installed and in operation at all times the premises are being used for licensable activity and for two hours after. It must be operated by properly trained staff.
- Recording will be retained for a minimum of 28 days.
- The premise will ensure that at least one trained member of staff is available to operate the system at all times the premise is open and download any images requested by an authorised officer and provided within 7 days.
- Children under the age of 18 will not be allowed entry to or remain on the premises after 22.00.
- The premises will have a drugs policy in place.
- The premises will ensure that all relevant documents confirming a person's eligibility to work in the United Kingdom are held on site at all times the premises is open, and made available to Durham Constabulary and Responsible Authorities on reasonable request.
- There will be such a number of door supervisors as the management of the premises consider sufficient, to control the entry of persons to the premises and for keeping order in the premises when they are used for licensable activities.

## **APPENDIX 5 – REPRESENTATION**

**From:** Michael King  
**Sent:** 26 October 2017 14:10  
**To:** Karen Robson  
**Cc:**  
**Subject:** RE: 105 Galgate, Barnard Castle

Karen,

Following our conversation this afternoon, I can confirm the grounds under which Barnard Castle Town Council wishes to object to the application to vary the Premises Licence for Il Palazzo, 105 Galgate, Barnard Castle.

The objection is on the grounds of *Prevention of Public Nuisance*. In particular, if the premises are allowed to stay open any longer for the sale and consumption of alcohol, this would go on until an unacceptably late time. The proximity of the premises to Beaconsfield Court, which is a residential care home and the adjoining property, is likely to cause a nuisance at a time, and in a location, at which residents might reasonable expect to be free of noise and other disturbance.

I hope this is sufficient information to clarify the objection raised by the town council.

Regards,

**Michael King**  
Town Clerk

Barnard Castle Town Council  
Woodleigh  
Flatts Road  
Barnard Castle  
DL12 8AA

**APPENDIX 6 - RESPONSES FROM  
RESPONSIBLE AUTHORITIES**

## **Yvonne Raine**

---

**From:** Susan Gallimore  
**Sent:** 10 October 2017 15:50  
**To:** Yvonne Raine; Neighbourhood Services Licensing  
**Subject:** RE: Licensing Act - Premises Licence Variation Application Received

Hello Yvonne,

Please note that I have no adverse comments to make about this application.

Kind Regards,

Susan

**Susan Gallimore, DipIOA**  
**Senior Public Protection Officer**  
**Adult and Health Services**

T: ( )  
M: ( )  
E: ( )

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## Yvonne Raine

---

**From:** Jill Conroy  
**Sent:** 03 October 2017 11:03  
**To:** Yvonne Raine  
**Subject:** IL Palazzo CON28/17/02480

Yvonne

I've checked through the planning history and can't find any conditions restricting the opening times for the current use. Based on this there are no comments from the LPA.

Many thanks

Jill Conroy

**MScTP | Planning Officer | Development Management**

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



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Contact Area Office:



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Date: 06 October 2017

This matter is being dealt with by: Brad Malpass Ext:

Our Ref: 7A60050140

Your Ref: PL(A)0007

Direct Dial Telephone:

E-mail

Mr Kamal Alley  
Email reply

Dear Sir

**Licensing Act 2003**  
**Regulatory Reform (Fire Safety) Order 2005**  
**Il Palazzo Restaurant, 105 Galgate, Barnard Castle, DL12 8ES**

I acknowledge your application dated 28 September 2017 for a Variation to Premises Licence under The Licensing Act 2003 in respect of the above named premises.

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

A suitable and sufficient fire safety risk assessment must be carried out in order to comply with the above Order.

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

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

Yours faithfully

Brad Malpass  
Fire Safety Section

**Yvonne Raine**

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**From:** Sean Barry  
**Sent:** 03 October 2017 15:11  
**To:** Neighbourhood Services Licensing  
**Subject:** RE: Licensing Act - Premises Licence Variation Application Received Il Palazzo Restaurant, 105 Galgate, Barnard Castle. DL12 8ES

**Categories:** Yvonne

Good Afternoon

I have received an application to vary a licence for the establishment: Il Palazzo Restaurant, 105 Galgate, Barnard Castle. DL12 8ES

I have no comments or objections to make on behalf of Durham Local Safeguarding Children Board.

My Ref: SB/2017/092

Thanks  
Sean



## **APPENDIX 7 – 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.**

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

<p>alcohol (community centres, village halls)</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>
<p>For licences authorising late night refreshment as the primary licensable activity (takeaways)</p>	<p>01.00</p>	<p>02.00</p>	<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 8 –  
S182 GUIDANCE**

## **Public nuisance**

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at

night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti- social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.