

Statutory Licensing Sub-Committee

28th November 2017

Application for the Grant of a Premises Licence



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

Name and Address of Premises: Manda's Kitchen, 20 Main Road, Gainford, Darlington. DL2 3DY

1. Summary

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

Manda's Kitchen
20 Main Road
Gainford
Darlington
DL2 3DY

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

2. Details of the Application

An application for the grant of a premises licence was received by the Licensing Authority on 11th October 2017. A copy of the application is attached as Appendix 2.

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

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

Activities	Days & Hours Requested
Sale of Alcohol (for consumption on the premises)	Monday to Sunday: 12:00 – 23:00 hrs
Opening Hours	Monday to Sunday: 12:00 – 23:30 hrs

3. The Representation

The Licensing Authority received one representation from the following 'other persons' during the consultation period:

- Mr J and Mrs A Lavender

The representation relates to the following licensing objective:

- The Prevention of Public Nuisance

A copy of the representation is attached as Appendix 3.

No representations were received from any of the 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)
- Durham Constabulary
- Planning Officer
- Fire Safety Authority
- Local Safeguarding Children Board

Copies of these responses are attached at Appendix 4.

4. Parties

The Parties to the hearing will be:

- Mr Simon Williamson (Applicant)
- Mr J and Mrs A Lavender (Other persons)

5. Durham County Council Statement of Licensing Policy

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

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

Relevant information is attached as Appendix 5.

6. Section 182 Guidance

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

- 2.15 - 2.21 Public Nuisance

Relevant information is attached as Appendix 6.

7. For Decision

The Sub-Committee is asked to determine the application for the grant of a premises licence 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)

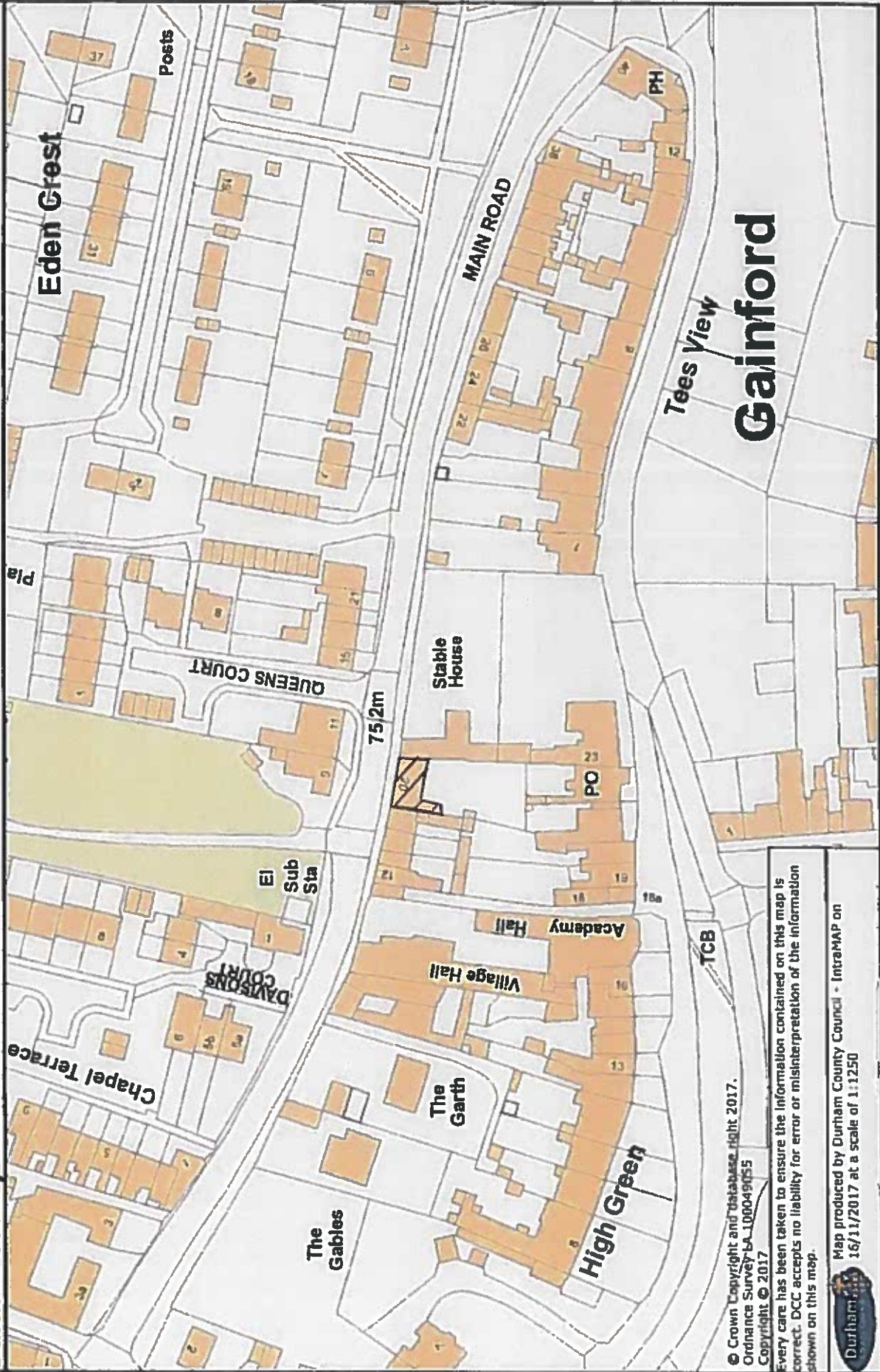
Contact: Yvonne Raine

Tel: 03000 265256

Email: yvonne.raine@durham.gov.uk

APPENDIX 1 – LOCATION PLAN

Durham County Council - IntraMAP



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16/11/2017 at a scale of 1:1250



APPENDIX 2 – APPLICATION



* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£) *JEB*

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

First name

Simon

Family name

Williamson

Is the applicant 18 years of age or older?

Yes No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

Building number or name	<input type="text" value="20"/>
Street	<input type="text" value="Main Road"/>
District	<input type="text" value="Gainford"/>
City or town	<input type="text" value="Darlington"/>
County or administrative area	<input type="text" value="Durham"/>
Postcode	<input type="text" value="DL2 3DY"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text" value=""/> / <input type="text" value=""/> / <input type="text" value=""/> dd mm yyyy
* Nationality	<input type="text" value="British"/> Documents that demonstrate entitlement to work in the UK

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The premises is a dining room attached to, and part of, a residential house. It is on the main road in the center of the village

Continued from previous page...

of Gairford and has previously been used as a tea room. We wish to open for one or two evenings a week for private functions and pre-booked meals.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

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PROVISION OF PERFORMANCES OF DANCE

Continued from previous page...

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes

No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes

No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Give timings in 24 hour clock.

(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SATURDAY

Start 12:00

End 23:00

Start

End

SUNDAY

Start 12:00

End 23:00

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

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

Name

First name

Simon

Family name

Williamson

Date of birth

/ /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text" value="20"/>
Street	<input type="text" value="Main Road"/>
District	<input type="text" value="Gainford"/>
City or town	<input type="text" value="Darlington"/>
County or administrative area	<input type="text" value="Durham"/>
Postcode	<input type="text" value="DL2 3DY"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text" value="To Be Applied For"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start 12:00

End 23:30

Start

End

WEDNESDAY

Start 12:00

End 23:30

Start

End

THURSDAY

Start 12:00

End 23:30

Start

End

FRIDAY

Start 12:00

End 23:30

Start

End

SATURDAY

Start 12:00

End 23:30

Start

End

SUNDAY

Start 12:00

End 23:30

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

This is a small bistro/restaurant in a rural location that can only cater for a maximum of 20 people at any one time. There should be no issues with crime and disorder, public safety, public nuisance and the protection of children.

However, to promote all four licensing objectives the applicant will keep:

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

- a/ no selling of alcohol to underage people
- b/ no drunk and disorderly behavior on the premises area
- c/ vigilance in preventing the use and sale of illegal drugs at the retail area
- d/ no violent and anti-social behaviour
- e/ no harm to children

- Operating Schedule providing the hours of operation and licensable activities during those hours.
- Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorise each sale
- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.
- Premises front to be safe and secure at all times

Carry out their functions and operate their businesses with a purpose of promoting these objectives. Support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder

This is a small premises and it is unlikely that there will be no more than 20 customers in the premises at any one time.

The premises will operate a Proof of Age Scheme to alleviate any under age sales of alcohol.

The Challenge 25 campaign will be instigated to warn customers that if they look under the age of 25 then they will be asked for an appropriate form of identification.

The refusal book will be available to aid the Police with any enquiries.

Any incident that occurs within or outwith the premises that is witnessed by the applicant or his staff will be reported to the Police. The applicant aims to build up a good rapport with the Police with a view to working closely with them to prevent any crime or disorder.

The use of good external lighting to deter crime.

All members of staff will undergo ongoing training as mentioned below.

c) Public safety

There will be first aid facilities on the premises. An incident book will be kept and maintained by the owner and all accidents/incidents involving any member of the public and/or any member of staff will be recorded.

A first aid room is available for anyone requiring medical attention.

A Fire Risk Assessment will be in place and will be updated to include appropriate staff training and emergency action plans. The risk assessment makes full reference to the fire fighting equipment which is available in the premises with sufficient systems in place for the maintenance of said equipment.

The premises is routinely maintained by the owners to look for any hazard within the premises to the public or to the staff.

Continued from previous page...

Procedures are also in place for entry/egress control including the fire assembly point with clearly visible means of escape which will be unobstructed and well maintained.

The toilets are routinely checked and monitored.

Controlled temperature levels for the comfort and safety of customers.

An spillages and broken glass will be cleaned up immediately to prevent floors from becoming slippery and unsafe.

Bottle bins will be secure at all times and away from public areas.

Training will continue be provided to staff members in order to ensure that necessary measures to secure public safety at the premises are properly implemented.

d) The prevention of public nuisance

The applicant is aware of the issues that can cause nuisance. Deliveries of goods will be made at suitable times during the day and not at anti-social hours and the outside areas will be regularly checked for litter and cleaned on a regular basis.

The applicant will pay particular importance to noise nuisance outside the premises and to the way in which patrons leave the premises on the terminal hour. Patrons will be asked to leave quietly and where possible will be asked to move from the front of the premises to alleviate customers from loitering outside the premises. The terminal hour for these premises is 11.30 pm daily, although it is expected that most, if not all, patrons will have left before then.

All staff members will be fully trained on all aspects of public nuisance in particular the above mentioned points.

e) The protection of children from harm

The premises is a food lead establishment and as such is very much a family friendly premises. The Applicant is more than aware of the dangers to children in licensed premises.

He will operate a Proof of Age Scheme; therefore anyone that looks under the age of 25 will be required to produce one of the requisite forms of identification e.g. driving licence, passport or PASS ID etc. If they cannot provide such identification then they will be automatically refused alcohol.

A refusal book will be in operation which will be maintained and managed by the Designated Premises Manager. The Book can also be inspected by the Police/Licensing Standards Officer if needed to assist them with their enquiries.

He takes his role as an employer equally as seriously as he takes his role as a licensee and in that regards he is aware that his business is represented by not just himself but also his staff. The above will only succeed in his opinion if all staff members are fully trained in relation to the Challenge 25 and the Refusal book. The staff will be fully trained in all aspect relating to the sale of alcohol including the above points. The training will be provided by a Personal Licence Holder.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK (please see note below about which sections of the passport to copy).
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.**
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an Immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific regulated entertainments please note that:

- **Plays:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

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- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) It takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Premises licence fees can be calculated by visiting the Department for Culture Media and Sport website at http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/3193.aspx

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

Details of these additional fees can be found on the website http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4040.aspx

* Fee amount (£)

100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

Continued from previous page...

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]. I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

• Full name

• Capacity

Date (dd/mm/yyyy)

Once you're finished you need to do the following:

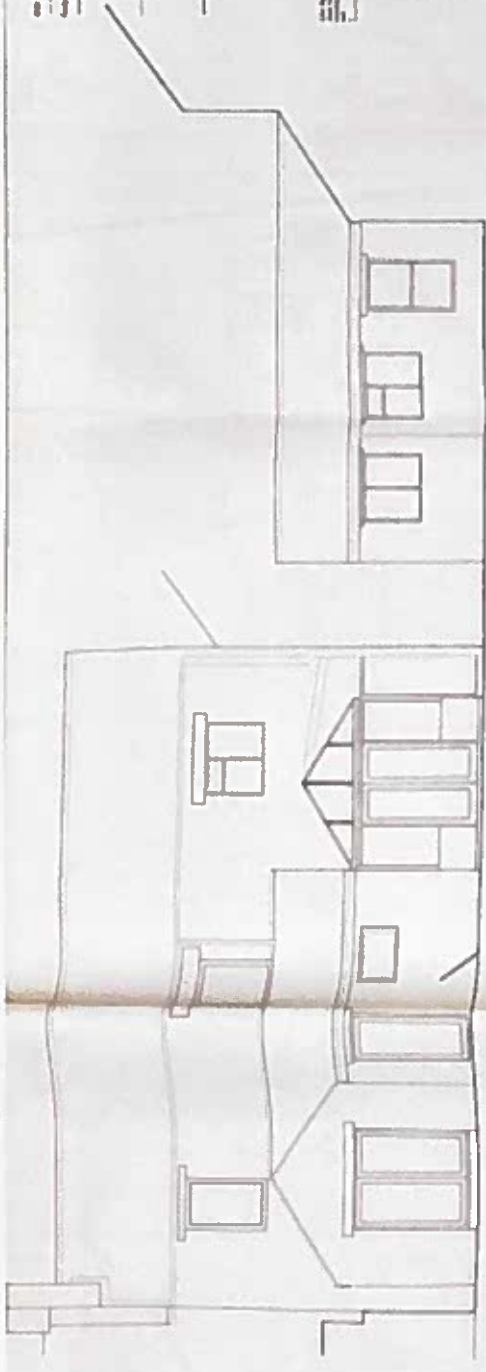
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/county-durham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

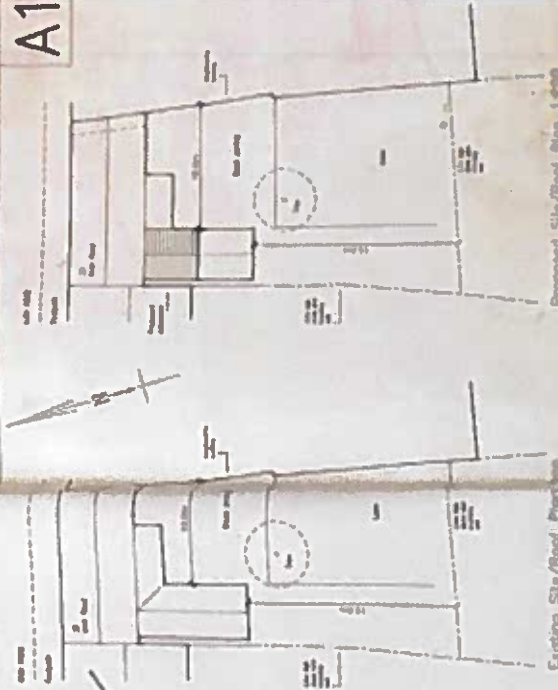
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

A1



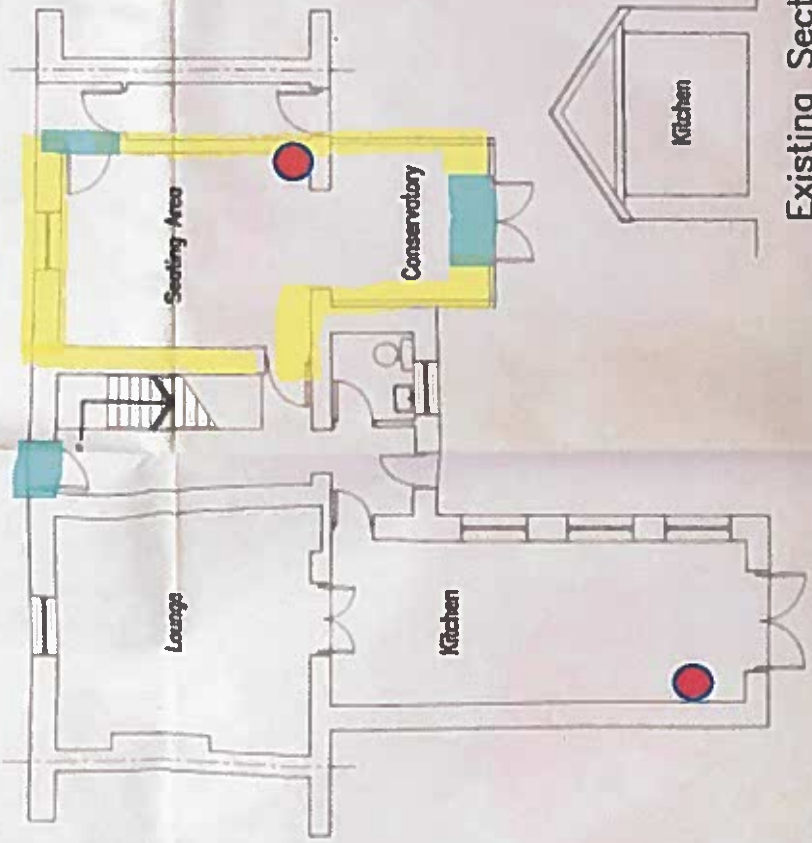
Existing Rear Elevation

Existing Side Elevation

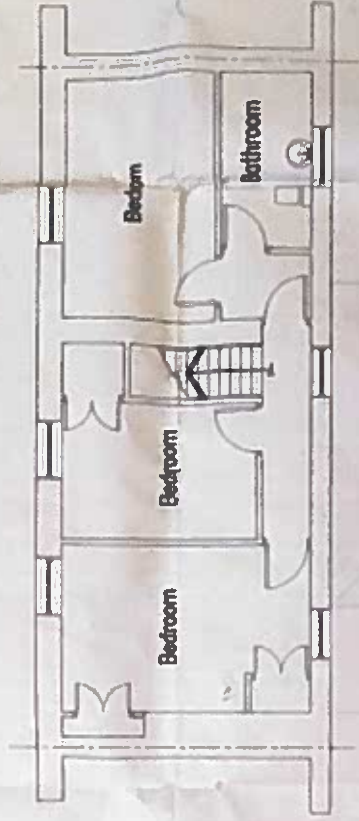


Existing Site/Roof Plan 1:200

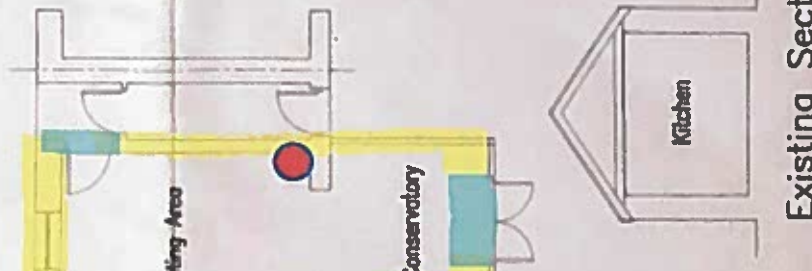
Proposed Site/Roof Plan 1:200



Existing Ground Floor Plan



Existing First Floor Plan



Existing Section

- Licensed Area
- Entrance/Exit
- Fire Extinguishers

All site dimensions shall be verified by the contractor on site prior to commencement, any
 discrepancy shall be notified to the architect in writing.

NMS plans
 Building Design
 (01753) 601128 - 7744, 6734, 616, 280
 Proposed Bathroom and Dressing room
 20 Main Road
 Gainsford
 Darlington.
 Mr & Mrs Harvey.
 DATE: August 2013
 SCALE: (A1)1:50
 PROJ. NO: 45/045/01

**APPENDIX 3 –
REPRESENTATION**

Main Road
Gainford
Darlington
Co Durham
DL2 3DY

06 November 2017

Durham County Council
Licensing Services
PO Box 617
Durham
DH1 9HZ

Durham County Council
07 NOV 2017
Adult & Health Services

Dear Sir

The Licensing Act 2003

Application for the grant of a premises licence.

Manda's Kitchen, 20 Main Road, Gainford, Darlington DL2 3DY

We are aware of the application by Mr Simon Williamson seeking a Premises Licence for the sale by retail of alcohol (on sales) Monday to Sunday inclusive 12.00 - 23.00 hours at 20 Main Road, Gainford. Our house adjoins that of Mr and Mrs Williamson, standing immediately to the east with our western wall defining the separation of the properties.

We regret to say we have a number of concerns with regard to the application, and we have discussed these with Mr and Mrs Williamson, as well as providing them with a copy of this letter.

It is readily understood that the licence application is predicated on a planning permission which was granted on 6th June 2012 for the use of part of 20 Main Road as a tea room. In the planning application, the hours proposed for the tea room were Mon-Fri inc 9.00 – 16.00; Sat 10.00 – 14.00; and Sun 10.00 – 14.00. On the basis of the proposed use as tea room; the hours of operation intended; and the facts stated in the planning officer's delegated report that three tables only would be provided and that no hot foot would be provided, we had no material concerns, anticipating that the LPA would issue a permission defining the intended hours of operation. However, no hours of operation were conditioned in the permission, and thus we acknowledge that uses falling within the same Use Class can legitimately take place at undefined times.

It is perhaps relevant to point out, however, that if the licence application is seen as being predicated on the 2012 permission, the area defined in the permission for use as a tea room extends only to the room adjacent to our western boundary. A conservatory extension has been added since the 2012 permission, but as far as we are aware, this does not, together with the garden, have the benefit of a planning permission for Class A3 Use.

To be fair to Mr & Mrs Williamson, it is the somewhat loosely determined planning permission of 6th June 2012 which gives rise to our concerns, as we have confidence that they will wish to operate their premises in a controlled and understanding way, and we also

understand that with a Premises Licence there will potentially be a greater level of control than would be the case were patrons of the premises bringing their own alcohol.

However, our misgivings are partly based on whether a licensed restaurant as opposed to a tea room is appropriate for the location, and if it is, does the granting of a licence create a precedent for the future should Mr & Mrs Williamson no longer reside at 20 Main Road and the property comes within a new ownership which seeks a licence, but which may not operate with the sensitivities of Mr & Mrs Williamson?

Essentially, the use of the premises as a licensed restaurant during evening hours is one which would take place in what is a residential area, tightly surrounded on three sides by dwellings, and with no available car parking provision other than on-street on the A67. Whilst the matter of use, and the extent of that use, is a planning matter, we feel it is one which also requires consideration through the licensing process initiated by the current application.

We would be obliged if you would kindly take the comments made above into consideration during the determination of the application before you,

Yours faithfully

Mr J Lavender
Mrs A Lavender

APPENDIX 4 – RESPONSES FROM RESPONSIBLE AUTHORITIES

Karen Baker

From: Richard Wormald
Sent: 23 October 2017 10:45
To: Karen Baker
Subject: SR 138151 RWO 23-10-17 - Manda's Kitchen

Dear Karen

Thank you for consulting the Nuisance Action Team , regarding the New Premise Licence/Minor Variation for: Premises – Manda's Kitchen 20 Main Road, Gainford Darlington County Durham DL2 3DY

Dated – 11th October 2017

I have no representations to make regarding the application

Regards

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

T: |

E:

Web: www.durham.gov.uk

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Like us at [facebook.com/durhamcouncil](https://www.facebook.com/durhamcouncil)

Karen Baker

From: Judith Wilkinson on behalf of Alcohol
Harm Reduction Unit
Sent: 12 October 2017 13:01
To: Karen Baker
Subject: RE: Licensing NEW Premises licence application - Manda's Kitchen 20 Main Road
Gainford Darlington County Durham DL2 3DY

12/10/17

To Durham County Council

The Harm Reduction Unit can confirm that the Police have No Objections to the below New Premise Application.

Many Thanks

Judith Wilkinson
Licensing Support

Karen Baker

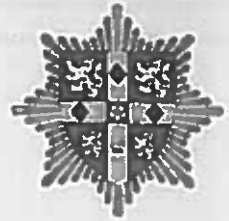
From: Joy Orr
Sent: 30 October 2017 16:57
To: Karen Baker
Subject: Mandas Kitchen 20 Main Road Gainford

Dear Karen,

I write in response to your recent enquiry. I can confirm that Planning Permission may be required for the proposed change of use.

Kind Regards

Joy Orr
Planning Officer
Durham County Council
South West Area Officer



Chief Fire Officer: Stuart Errington

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

Date: 16 October 2017

This matter is being dealt with by: Brad Malpass

Ext:

Our Ref: 7D60800010

Your Ref:

Direct Dial Telephone:

E-mail:

Simon Williamson
License Application
Email reply

Dear Sir

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Manda's Kitchen, 20 Main Road, Gainford, Darlington, DL2 3DY

I acknowledge your application dated 11 October 2017 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

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

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 and follow the link to Fire safety at work.

Yours faithfully

Brad Malpass
Fire Safety Section



www.ddfire.gov.uk



From: Sean Barry

Sent: 12 October 2017 15:53

To: Neighbourhood Services Licensing <Licensing@durham.gov.uk>

Subject: RE: Licensing NEW Premises licence application - Manda's Kitchen 20 Main Road Gainford Darlington County Durham DL2 3DY

Good Afternoon

I have received an application to vary a licence for the establishment: Manda's Kitchen 20 Main Road Gainford Darlington County Durham DL2 3DY

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

My Ref: SB/2017/098

Thanks

Sean

**APPENDIX 5 – STATEMENT OF
LICENSING POLICY**

9.0 Prevention of Public Nuisance

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

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

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

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

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

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

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

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

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

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

Category of Premise	Weekdays (Sunday to Thursday)	Weekends (Friday night into Saturday morning and Saturday night into Sunday morning)	Bank Holidays
For premises licences and club premises certificates authorising the sale or supply of alcohol for consumption on or off the premises	07.00 to 00.00	07.00 to 01.00	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 6 –
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.