

LICENSING SUB COMMITTEE B

Date: Thursday 23rd November, 2023
Time: 10.00 am
Venue: Mandela Room

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Licensing Act 2003: Application for Premises Licence - Tiger Ivy, 58 Albert Road, Middlesbrough, TS1 1QD 3 - 80
4. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Friday 17 November 2023

MEMBERSHIP

Councillors S Hill (Chair), Councillors J Cooke and C Cooper

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Joanne Dixon / Scott Bonner, 01642 729713 / 01642 729708, joanne_dixon@middlesbrough.gov.uk / scott_bonner@middlesbrough.gov.uk

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AGENDA ITEM 3

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 23 NOVEMBER 2023**

APPLICATION FOR PREMISES LICENCE

Applicant: Roman Leisure Limited

Ref.No. MBRO/PR0239

Premises: Tiger Ivy, 58 Albert Road, Middlesbrough, TS1 1QD

Application received: 7 September 2023

Summary of Proposed Licensable Activities:

Sale of Alcohol (On sales)	9.00am – 1.00am	Daily
Live Music, Recorded Music, Dancing	11.00am – 1.00am	Daily
Late Night Refreshment	11.00pm - 1.00am	Daily

Full details of the application, accompanying operating schedule and plan have been reproduced at Appendix 1.

1. Notification to Responsible Authorities:

The following Responsible Authorities have all received notification of the application:

Chief Constable	Planning Manager
Chief Fire Officer	Trading Standards Manager
Area Child Protection Group	Director of Public Health
Environmental Health Manager (Public Safety and Public Nuisance)	Home Office (Immigration Enforcement)

2. Application advertised by the applicant: Evening Gazette – 16 September 2023.

3. Legislation

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance

- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

4. Background

The premises are situated on a main road in the Town Centre amongst other commercial properties. There 6 residential flats directly above the premises.

The application is for a Bistro style eatery/licensed premises with the ability to host vocalists and other appropriate music and acts.

The premises previously operated as Goodbodys Coffee and Sandwich Shop until 2017. There is currently a premises licence in place for the premises allowing the sale of alcohol between the hours of 9am to 10.30pm daily, however, the licence is currently suspended due to non payment of annual fees.

During the application process the applicant held discussions with Officers from Cleveland Police, Middlesbrough Council Licensing and Public Health to discuss concerns in relation to the application before subsequently agreeing to some additional licence conditions. A copy of these conditions are attached at **Appendix 2**.

5. The Representations

On 23 September 2023 a representation was received from Ian Wicks, a local resident who lives in a flat directly above the premises which objects to the application on the grounds of the prevention of public nuisance. A copy of that representation is attached at **Appendix 3**.

On 27 September 2023 a representation was received from Hannah Munds, a local resident who lives in a flat directly above the premises which objects to the application on the grounds of the prevention of public nuisance. A copy of that representation is attached at **Appendix 4**.

On 2 October 2023 a representation was received from Wayne Flowers, Public Protection Manger on behalf of Middlesbrough Council's Environmental Health Noise Team which objects to the application on the grounds of the prevention of public nuisance. A copy of that representation is attached at **Appendix 5**. On 16 October 2023 further information in support of the representation was provided by Mr Flowers. This information is attached at **Appendix 6**.

In recent weeks there have been several discussions between the applicant and the Council's Environmental Health Noise Team in relation to concerns relating to potential noise nuisance as a result of the proposed operation of the business. The applicant has subsequently provided a Noise Assessment from a Noise Consultant which states that the current Noise Insulation Measures at the premises are inadequate for use as a restaurant/late bar. The Noise Assessment is attached at **Appendix 7**.

On 15 November 2023 further information was provided by Emma Tindall, Public Protection Manager on behalf of the Council's Environmental Health Noise Team. This information is attached at **Appendix 8**.

It is understood that the applicant's intend to propose a change to the operation of the business along with a reduction to the hours sought for licensable activities, however, this

will be subject to further information provided by the Noise Consultant. An update will be provided at the hearing.

6. The Licensing Policy

Members are referred to the following relevant sections of the Council's Licensing Policy.

Prevention of Public Nuisance Page 27

And any other sections of the Policy which Members consider to be relevant.

7. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

Prevention of Public Nuisance Starting at paragraph 2.15

And any other sections of the Guidance which Members consider to be relevant.

8. Members' Options

Members may consider the following options:

1. Grant the application subject to conditions consistent with the operating schedule modified to such extent as considered appropriate for the promotion of the licensing objectives.
2. To refuse to specify a person in the licence as the premises supervisor.
3. To reject the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority, Other Person) may appeal any decision of the Licensing Sub-Committee to the Magistrates' Court.

Contact Officer: Tim Hodgkinson
 Licensing Manager
 Tel. 728720

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09:00

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Roman Leisure Limited

(insert name(s) of applicant)

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

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description 58 Albert Road,			
Post town	Middlesbrough	Postcode	TS1 1QD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£13,250.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |

09:00

- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev) <input type="checkbox"/>	
Surname			First names		
Date of birth or over		I am 18 years old		<input type="checkbox"/> Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

09:00

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		<input type="checkbox"/> Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information)					

09:00

(B) OTHER APPLICANTS

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

Name Roman Leisure Limited
Address 13 Gold Court Middlesbrough TS4 2WD
Registered number (where applicable) 14537316
Description of applicant (for example, partnership, company, unincorporated association etc.) COMPANY
Telephone number (if any) 01642 987987
E-mail address (optional) Sarah.smith@parkerbarras.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

The premise is to be used as a Bistro style eatery and licenced premises.

We will also have a vocalist or other appropriate music and acts playing that are right for the venue.

09:00

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

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

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- | Provision of regulated entertainment (please read guidance note 2) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input checked="" 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 checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" 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

09:00

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09:00	01:00	Please give further details here (please read guidance note 4) RESTAURANT SERVING FOOD & DRINK	Both	<input type="checkbox"/>
Tue	09:00	01:00			
Wed	09:00	01:00	State any seasonal variations for performing plays (please read guidance note 5)		
Thur	09:00	01:00			
Fri	09:00	01:00	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	09:00	01:00			
Sun	09:00	01:00			

09:00

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>		
Day	Start	Finis h		Outdoors	<input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>		
Tue							
Wed				State any seasonal variations for the exhibition of films (please read guidance note 5)			
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 6)		
Sat							
Sun							

09:00

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

09:00

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Wed			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

09:00

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) We will have a live artist playing background music and entertaining the customers		
Mon	11:00	01:00			
Tue	11:00	01:00	State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed	11:00	01:00			
Thur	11:00	01:00			
Fri	11:00	01:00	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 6)		
Sat	11:00	01:00			
Sun	11:00	01:00			

09:00

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take <u>place indoors or outdoors or both - please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finis h		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	01:00	Please give further details here (please read guidance note 4) Recorded Music will be played in the background throughout the day and evening		
Tue	11:00	01:00			
Wed	11:00	01:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	11:00	01:00			
Fri	11:00	01:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	11:00	01:00			
Sun	11:00	01:00			

09:00

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	01:00	Please give further details here (please read guidance note 4) Some Dancing May take place at private functions	Both	<input type="checkbox"/>
Tue	11:00	01:00			
Wed	11:00	01:00	State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	11:00	01:00			
Fri	11:00	01:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	11:00	01:00			
Sun	11:00	01:00			

09:00

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

09:00

1

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	01:00	Please give further details here (please read guidance note 4) Restaurant May Serve food After 11pm	Both	<input checked="" type="checkbox"/>
Tue	23:00	01:00			
Wed	23:00	01:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23:00	01:00			
Fri	23:00	01:00	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 6)		
Sat	23:00	01:00			
Sun	23:00	01:00			

09:00

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	09:00	01:00			
Tue	09:00	01:00			
Wed	09:00	01:00			
Thur	09:00	01:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	09:00	01:00			
Sat	09:00	01:00			
Sun	09:00	01:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Lindsey Stephenson	
Date of birth	16/06/1987
Address 13 Gold Court Middlesbrough United Kingdom	
Postcode	TS4 2WD
Personal licence number (if known) MBRO/PL1654/098226	
Issuing licensing authority (if known) Middlesbrough council	

09:00

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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	09:00 am	01:30 am	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 6)
Tue	09:00 am	01:30 am	
Wed	09:00 am	01:30 am	
Thur	09:00 am	01:30 am	
Fri	09:00 am	01:30 am	

09:00

Sat	09:00 am	01:30 am	
Sun	09:00 am	01:30 am	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed, whilst complying with Data Protection legislation.
CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.
There will be a minimum of 31 days recording.
The system will record for 24 hours a day.
The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
The Digital recorder will have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images.
There will be at all times a member of staff who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, e.g. 24hrs routine or less if urgently required for investigation of serious crime.

b) The prevention of crime and disorder

The business will maintain an incident book to record all instances where the staff deal with people who have been unruly; drunk, abusive, aggressive or have committed criminal acts or have had to call police for such incidents. This shall include the date and time of the incident, together with a description of the incident and whether the police were called/attended. The Designated Premise Supervisor/Store Manager/Business Owner will check and sign each page and the incident book will be made available to the Licensing Authority and/or Responsible Authorities upon request.

c) Public safety

09:00

All staff will be fully trained and the training must include the laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18s (proxy sales), persons appearing to be under the influence of alcohol and also the operation of the associated 'Challenge 25' policy. Staff will receive refresher training at least every 6 months.

Training records, signed by both the staff member and the Designated Premise Supervisor/Store Manager/Business Owner will be retained for future reference and shall be updated at least every 6 months. All staff training records will be made available to the Licensing Authority and/or Responsible Authorities upon request.

d) The prevention of public nuisance

The business will maintain a refusals book to record all instances where the sale of alcohol has been refused. This shall include the date and time of the attempted sale, together with a description of the incident. The Designated Premise Supervisor/Store Manager/Business Owner will check and sign each page and the refusals book will be made available to the Licensing Authority and/or Responsible Authorities upon request.

e) The protection of children from harm

Children will not be allowed on the premises unless accompanied by a responsible adult.

Children will not be permitted on the premises after 21:00hrs

There shall be a minimum of two notices displayed on the premise indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under the age of 18 are committing an offence.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
-

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

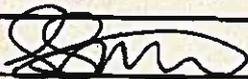
09:00

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.

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none">• [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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15).
Signature	
Date	04-09-2023
Capacity	Authorised agent.

09:00

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Sarah Smith
Parker Barras
The Qube
Windward Way

Post town **Middlesbrough** Postcode **TS2 1QG**

Telephone number (if any) **01642 987987**

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
sarah.smith@parkerbarras.co.uk

Notes for Guidance

1. Describe 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.
2. 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.

09:00

Plan of the Premises

The plan of the premises must contain the following information and must be clear and legible in all material respects.

- the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- the location of points of access to and egress from the premises;
- if different from above, the location of escape routes from the premises;
- in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
- the location of a kitchen, if any, on the premises.

The plan may also include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

09:00

Consent of individual to being specified as premises supervisor

Lindsey Stephenson

I
[full name of prospective premises supervisor]

of
13 Gold Court.
Middlesbrough.
TS4 2WD

[Home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

[type of application]

by

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

Roman Leisure Limited (company)
Tiger Ivy
58 Albert Road
Middlesbrough / TS1 1QD

[name and address of premises to which the application relates]

09:00

and any premises licence to be granted or varied in respect of this application made by

Roman Leisure Limited
(name of applicant)

concerning the supply of alcohol at

58 Albert Road
Middlesbrough
TS1 1QD.

(name and address of premises to which application relates)

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

MBRO / PL 1654 / 098226.
(insert personal licence number, if any)

Personal licence issuing authority

Middlesbrough
(insert name and address and telephone number of personal licence issuing authority, if any)
Signed

Name (please print)

Lindsey Stephenson.

Date

06-09-2023

09:00

(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.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

09:00

- 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 of 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 EHC 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;

09:00

- 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 birth or adoption certificate issued 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 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.
- 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.

09:00

- 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.
 - 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.
 - 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:
 - 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.
 - 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.
 - 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.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

09:00

4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 18.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
- 15. 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:

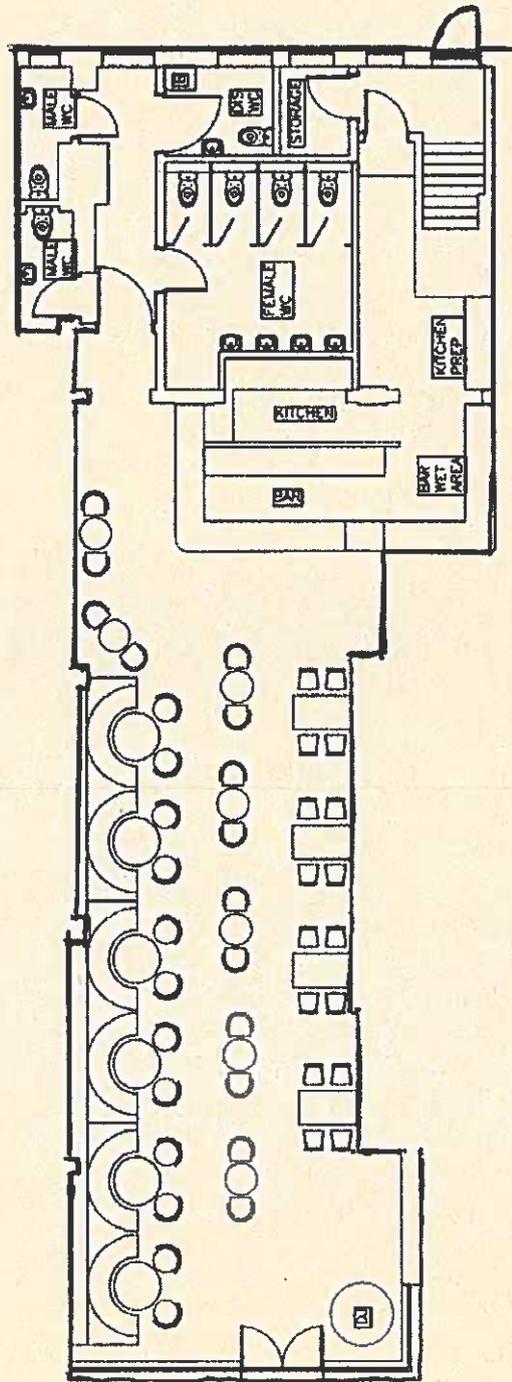
- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

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 in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

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).



No.	Description	Condition
1.	CCTV	<p>A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped:</p> <ul style="list-style-type: none"> • the system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed; • CCTV will be capable of providing pictures of evidential quality. in all lighting conditions, particularly facial recognition; • cameras will encompass all ingress and egress to the premises and all areas where the sale/supply of alcohol occurs and all outside areas; • the system will record and retain CCTV footage for a minimum of 28 days; • the system will record for from opening until close of the premises; • the system will incorporate a means of transferring images from the hard-drive to a format that can be played back on a compatible computer; • the Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images; • there will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment; • upon receipt of a lawful request for a copy of CCTV footage from Police, Licensing Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours, or less if urgently required for investigations of serious crime; • CCTV footage must be made available to be viewed by the Police, Licensing Officers or other Responsible Authorities on lawful request during an inspection of or visit to the Premises. <p>The entrance area and any subsequent queuing area will be sufficiently lit (excluding local authority lighting) and covered by CCTV.</p>
2.	Incident Book	<p>An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:</p> <ul style="list-style-type: none"> • Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour • All crimes reported to the venue • All ejections of patrons • All seizures of drugs or offensive weapons

		<ul style="list-style-type: none"> • Any faults in the CCTV system, searching equipment or scanning equipment • Any visit by a relevant authority or emergency service <p>The incident book must be made available to Police, Licensing Officers, and all other Responsible Authorities on request or during an inspection</p>
3.	Registered SIA Doorstaff	<p>Every day where the premises is open after midnight a minimum of 2 SIA registered door supervisors shall be employed from 10pm until closing.</p> <p>They will be employed to control entry to the premises, to deal with the searching / scanning of customers, to deal with any anti-social or disorderly behaviour at the premises, to deescalate confrontations, to assist with emergency escape from the premises, to deal with the ejection of people from the premises and to assist management in liaising with the police regarding instances of crime and to assist with ensuring that the premises' dispersal policy is adhered to.</p> <p>When deployed they shall remain at the premises until close and all patrons have vacated the premises.</p> <p>Door staff shall be easily identified and have their SIA badges displayed on high visibility armbands</p> <p>Counting devices shall be used by SIA doorstaff to keep an accurate count of the number of people on the premises.</p>
4.	Searches	<p>The premises shall have a minimum of two handheld metal detector/wand on the premises that will be used to assist with searching patrons on entry to the premises.</p> <p>Persons entering the premises shall be subject to random searches for drugs, weapons and any other prohibited or otherwise dangerous articles. A record of any searches leading to seizures of prohibited articles shall be recorded in the incident book.</p> <p>Anybody found with drugs/ weapons on their person will be ejected from the premises and shall not be admitted/ re-admitted. Where possible, efforts will be made to identify the person responsible and reported to Police.</p> <p>Any person refusing to consent to a search will be refused entry/ejected from the premises.</p> <p>Whenever searches of entrants to the premises are taking place persons who leave the premises and wish to re-enter the premises shall be subject to a further search on re-entry to the premises.</p>

		<p>Clear & legible notices will be prominently displayed where they can easily be seen and read by customers stating that customers attending the venue may be searched prior to entry.</p>
5.	Weapons Policy	<p>A written weapons policy approved by Police shall be in place for the premises and a copy of it shall be always accessible at the premises when in operation.</p> <p>All relevant staff employed at the premises shall be trained in the latest version of the policy and a record of the training shall be kept in the staff training logs at the premises.</p>
6.	Drugs Policy	<p>The Premises will have a written drugs policy and a drugs box and register approved by the police which will be used to record and dispose of all illegal substances found. Where possible, efforts will be made to identify the person responsible and reported to Police.</p> <p>Any illegal, prohibited, or other dangerous articles seized shall be disposed of in accordance with the policy. Staff will be fully trained with regard to this policy.</p>
7.	Challenge 25 Policy	<p>A Challenge 25 Policy will be in place at the premises</p> <p>There will be a minimum of four notices/posters displayed in prominent positions inside the premises informing customers that a Challenge 25 policy is in operation.</p> <p>Training in relation to Challenge 25, underage sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers, incident records and all other conditions on the Premises Licence must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale, supply, or delivery of alcohol.</p> <p>Staff must require ID in the form of a current passport, photo card driving licence, PASS Hologram identity card or Military ID from any customer who appears to be under the age of 25 and verify the customer is over the age of 18 before any sale of alcohol is made</p> <p>Any identification suspected of being fraudulently used, or not genuine will be confiscated and handed to Police at the earliest opportunity.</p>
8.	Training/ Records	<p>Induction training covering the following areas will be completed with every member of staff before employment commences and will be refreshed every 6 months thereafter:</p> <p>Challenge 25 U/A/Proxy sales Proof of age</p>

		<p>Search/drug/dispersal/weapons policies</p> <p>Documented training records must be completed in relation to the above and must include the name of the member of staff trained, date, time, and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor/ Premises Licence Holder or external training providers.</p> <p>Training records must be kept at the Premises and made available to the Police, Licensing Officers, and all other Responsible Authorities on request or during an inspection.</p>																				
9.	Refusals Register	<p>A refusals register must be kept at the Premises to record any refusal of entry and/or sale of alcohol. Details recorded will include the date time, reasons for refusal and the name and signature of member of staff refusing the sale.</p> <p>The Premises Licence Holder/Designated Premises Supervisor must monitor the refusals register monthly and must sign and date the register to confirm when this has been completed.</p> <p>The refusals record must be made available to the Police, Licensing Officers, and all other Responsible Authorities on request or during an inspection.</p>																				
10.	Minimum Unit Price	<p>Every sale of alcohol at the Premises shall not be less than the minimum price set out below or as varied by Condition 6 or 7: -</p> <table border="0"> <tr> <td>Bottle / 330ml of beer, lager, cider, perry or similar -</td> <td>£3.50</td> </tr> <tr> <td>Pint glass of beer, lager, cider or perry or similar -</td> <td>£3.50</td> </tr> <tr> <td>Half pint glass of beer, lager, cider or perry or similar-</td> <td>£1.75</td> </tr> <tr> <td>125ml of wine or similar -</td> <td>£3.50</td> </tr> <tr> <td>175ml of wine or similar -</td> <td>£4.00</td> </tr> <tr> <td>250ml of wine or similar -</td> <td>£4.50</td> </tr> <tr> <td>Bottle (750ml) of wine or similar -</td> <td>£14.00</td> </tr> <tr> <td>Measure / 25ml of spirits, liqueurs, or similar-</td> <td>£3.50</td> </tr> <tr> <td>Measure / 50ml of spirits, liqueurs or similar -</td> <td>£4.50</td> </tr> <tr> <td>Measure / 50 ml of Fortified wine or similar -</td> <td>£3.50</td> </tr> </table> <p>Where alcohol is sold which is of a type not expressly referred to above, the minimum price applicable to the supply shall be the minimum price for the type of alcohol referred to above that is most similar to that supplied.</p> <p>Unless the Licensing Authority consider it appropriate not to do so, the minimum price shall be varied every two years following discussion with the Premises License Holder as follows: The "retail prices index" shall be as defined in Section 989 of the Income Tax Act 2007 (being currently, the general index of retail prices for all items) published by the Statistics Board or, if that index</p>	Bottle / 330ml of beer, lager, cider, perry or similar -	£3.50	Pint glass of beer, lager, cider or perry or similar -	£3.50	Half pint glass of beer, lager, cider or perry or similar-	£1.75	125ml of wine or similar -	£3.50	175ml of wine or similar -	£4.00	250ml of wine or similar -	£4.50	Bottle (750ml) of wine or similar -	£14.00	Measure / 25ml of spirits, liqueurs, or similar-	£3.50	Measure / 50ml of spirits, liqueurs or similar -	£4.50	Measure / 50 ml of Fortified wine or similar -	£3.50
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Measure / 25ml of spirits, liqueurs, or similar-	£3.50																					
Measure / 50ml of spirits, liqueurs or similar -	£4.50																					
Measure / 50 ml of Fortified wine or similar -	£3.50																					

		<p>is not published for a relevant month, any substituted index or index figures published by the Board).</p> <p>The first variation shall take place on 1 July 2025 and each subsequent variation shall take place in every two years thereafter. The varied minimum price shall be the sum produced by multiplying the minimum price then applicable by a figure expressed as a decimal and determined by the formula: $1 + (RD - RI)/RI$ Where RD is the retail prices index for the (1 July 23) or each subsequent second anniversary of (01 July 23) and RI is the retail prices index for the (01 July 23) (or each subsequent second anniversary of date). The figure determined in accordance with this formula is rounded to the nearest third decimal place. If in relation to any two-year period RD is equal to or less than RI, the figure determined in accordance with the formula shall be 1 and there shall be no change in the minimum price for that year. The varied minimum price shall after application of the formula be rounded up or down to the nearest £0.05. Before (01 July 25) and each second anniversary of (01 July 25) the Licensee shall give notice to the Licensing Authority of the varied minimum prices calculated in accordance with this condition unless otherwise agreed.</p>
11.	Glassware	<p>No glasses, open bottles or other open containers will be allowed to leave the premises at any time.</p> <p>All glasses used at the premises shall be made from toughened glass</p>
12.	First Aid	<p>Appropriate first aid equipment / materials shall be kept at the premises in a dedicated first aid box / boxes. The first aid box(es) shall be always accessible and free from obstruction. All staff shall be made aware of where the first aid boxes are located.</p>
13.	Training/Campaigns	<p>The premises shall take part in training offered by the Police or Local Authority about vulnerability, child sexual exploitation, Licensing Act 2003 best practice and any other training deemed necessary to promote the licensing objectives.</p>
14.	Young Persons	<p>Children will not be allowed on the premises unless accompanied by a responsible adult.</p> <p>Children will not be permitted on the premises after 21:00hrs</p> <p>There shall be a minimum of two notices displayed on the premise indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under the age of 18 are committing an offence.</p>

Louise Romaine

From: Licensing
Sent: Wednesday, 27 September 2023 08:43
To: Louise Romaine
Subject: FW: Tiger Ivy Late Licence Objection

Sarah Morris
 Principal Licensing Officer
 Middlesbrough Council
 Telephone – 01642 728716

Our Values



Passion



Integrity



Creativity



Collaboration



From: ian wicks
Sent: Saturday, 23 September 2023 13:48
To: Licensing <Licensing@middlesbrough.gov.uk>
Subject: Tiger Ivy Late Licence Objection

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CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

Dear Middlesbrough Council,

I currently live at 58 Albert Road and the new development is currently taking place below our residence. I have noticed that currently displayed on the 'Tiger Ivy' windows is the proposed late licence application, opening till 1am.

This is deeply concerning for all our residents currently occupying 58 Albert Road. There are 6 flats above the premises consisting of adults and children, any potential opening until the late hours of 1am is unfair and unacceptable. Why should we as residents have to listen to booming music until the late hours everyday until 11pm and every weekend until 1am??

Yes there are a few bars along Albert Road but none of these other bars have people living above them, the likes of The Lobby , Beer & Biers, Bar Cuda, Tiny etc have no people living above these bars, which is fair enough but we have 6 occupied flats.

We have the Pig Iron pub at the rear of our building which opens until 11 I think at weekends possible 12 but not 1am. We were told by the Landlady who owns the property that the new development downstairs was 'Food orientated' only to find out it was a bar which is going to be open until the late hours, playing recorded and live music. How is this fair on the residents?? It isn't and I find it to deeply disappointing.

I hope you don't allow this bar to open until the late hours and show some good willing and understanding for the people that already live at this address. I currently live directly above 'Tiger Ivy' and I am deeply concerned what all this noise is going to be like, I can already hear everything that's going on now with the workman. I would also like to know what the maximum permitted noise levels are, before they become an issue.

I look forward to your reply

Best Regards

Ian Wicks

Sent from Mail for Windows

Louise Romaine

From: Licensing
Sent: Thursday, 05 October 2023 11:26
To: Louise Romaine
Subject: FW: 58 Albert Road Property

Sarah Morris
Principal Licensing Officer
Middlesbrough Council
Telephone – 01642 728716

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

From: Hannah Munds
Sent: Wednesday, 27 September 2023 20:38
To: Licensing <Licensing@middlesbrough.gov.uk>
Subject: 58 Albert Road Property

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CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact the ICT Service Desk via the YourICT icon on your desktop.

To Whom it May Concern,

My name is Hannah Munds and I am a current tenant of 58 Albert road, above the new bar and restaurant property that is under review. I would like express my concerns regarding the late night music license that has been approved for this property, as we will be highly impacted by the noise level this would create. Myself and my partner both work Monday-Friday, and need to wake up early each day. This level of music late night would have a serious negative affect on our wellbeing.

We understand this has been approved until 1:00am, and I do believe this to be unreasonable and unfair considering the tenants that live directly above. Please take this into account, and please let us know if there is anything further we can do to prevent this.

Warm regards,

Hannah

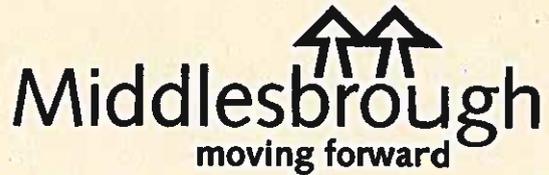
Middlesbrough Council

www.middlesbrough.gov.uk

COMMUNITY PROTECTION SERVICES

Licensing

PO Box 65, Vancouver House, Gurney Street,
Middlesbrough TS1 1QP
Tel: (01642) 245432



Representations On A Current Application For A Grant/Variation/Review of a Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

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 (insert name) Wayne Flowers

Wish to make representation about the application for variation/grant/review for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description	
58 Albert Road	
Post Town: Middlesbrough	Post Code: TS1 1QD

Name of premises licence holder or club holding club premises certificate (if known)
--

Number of premises licence or club premise certificate (if known)

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

I am

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below) YES
- 3) a member of the club to which this representation relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr Mrs Miss Ms Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over Yes (Please Tick)

Current Address	<input type="text"/>		
Post Town	<input type="text"/>	Post Code	<input type="text"/>

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g. Body or Business)

Name and Address

Telephone Number (if any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address
Wayne Flowers, Public Protection Manager, Middlesbrough Council, Fountain Court, 119 Grange Road, Middlesbrough, TS1 2DT

Telephone Number (if any)	01642 728294
E-Mail address (optional)	Wayne_flowers@middlesbrough.gov.uk

This representation relates to the following licensing objective(s)

- 1. the prevention of crime and disorder
- 2. public safety
- 3. the prevention of public nuisance **YES**
- 4. the protection of children from harm

Please state the ground(s) for representation. (please read guidance note 1)

The proposed venue is located below several units of occupied private residential accommodation. These units are likely to be exposed to intrusive noise from the operation and use of the premises, including from amplified music and vibration and from noise from patrons entering, using and exiting the premises particularly after 11pm.

Please provide as much information as possible to support the representation. (Please read guidance note 2)

Have you made any representation relating to these premises before? **NO**

If Yes, please state the date of that representation

Day		Month		Year			

If you have made representation before relating to this premises please state what they were and when you made them.

How We Collect And Use Information

By completing this document you give Middlesbrough Council the authority to collect and retain information about you for the purpose of the application. In order to process the application we may need to check this information with other enforcement agencies, local authorities or government departments.

We must protect the public funds we handle and so we may use the information you have provided on this form to prevent and detect fraud. We may also share this information with other enforcement agencies including those organisations which handle public funds. Middlesbrough Council will not disclose information about you unless the law permits.

Middlesbrough Council is the Data Controller for the purposes of the Data Protection Act. If you want to know more about the information the Authority holds about you, or the way the Authority uses that information please contact the Information Security Officer, PO Box 17, Melrose House, 1 Melrose Street, Middlesbrough, TS1 2YW.

Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representatives solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature	<i>W. Flowers</i>	Date	2 nd October 2023
Capacity	Responsible authority representative		

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
Post Town	Post Code

Telephone Number (if any)	
E-mail Address (optional)	

Notes for Guidance

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.
6. Information on the Licensing Act 2003 is available at www.middlesbrough.gov.uk and you are advised to read any relevant guidance leaflets before completing this form.

Representation – application MBRO/PRO239/104725, Tiger Ivy, 58 Albert Road, Middlesbrough

The applicant describes the premises as a bistro style eatery and licensed premises. There would be vocalists or other appropriate music and acts playing that are right for the venue. The application also states that the regulated entertainment would include plays, live music, recorded music and performances of dance, as well as the provision of late night refreshments and the supply of alcohol.

The hours of operation are stated as 11am to 1am 7 days per week. Recorded music is to be played during the day and evening and some dancing may take place at private functions. Late night refreshments may include food being served after 11pm.

Under the licensing Objection of the Prevention of Public Nuisance the applicant states that the business will maintain a refusals book where the sale of alcohol has been refused.

The premises is located in a building that has private residential accommodation directly above and to the side – above the HSBC bank. Actual occupation of these properties is not known but planning consent is being sought for the first and second floor above HSBC to become private residences.

The prevention of public nuisance does not have a statutory meaning and a broad common law meaning is applied. Nuisance can include intrusive noise and vibration, intrusive artificial light, odours and other adverse impact on the immediate vicinity such as from littering.

Nuisance may be caused by the direct operational activities of a premises from the use of internal and external doors, the management of waste and its storage, the sound generated by ventilation systems, noise from staff and patrons and any entertainment such as playing amplified or live music.

As described above, under the Public Nuisance objective, there is no reference to any types of potential nuisance affecting those in the vicinity, particularly the current and future residents living above and to the side of the premises. Therefore consideration and mitigation of potential nuisance, particularly from intrusive noise, has not been demonstrated.

To be satisfied that the public nuisance licensing objective can be met, the applicant should be able to demonstrate through appropriate acoustic assessment that the private residential dwellings will not be adversely affected. This would need to apply during the day but especially after 11pm.

Middlesbrough Council Licensing Policy states that "In predominately residential areas the Licensing Authority will normally expect licensable activities to cease at 11pm, with premises to close no later than 11.30pm."

Although the location of the proposed venue is within the town centre, the existence of residential dwellings directly above and to the side(s) should be given due consideration as a residential area.

It is possible that through acoustic assessment and, if applicable, acoustic protection measures, that intrusive sound emitted from the premises into neighbouring dwellings may be effectively prevented. However, there remains a potential for noise after 11pm from escape through openings (windows/doors) when in use, as well as noise from patrons entering or leaving the premises after 11pm. On this basis it would be our recommendation that the operating hours be restricted to 11pm and that a license not be granted unless the applicant can demonstrate that there will be no nuisance caused to adjoining dwellings.

Martec Environmental Consultants Ltd.

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**SOUND INSULATION AND
BACKGROUND NOISE LEVELS REPORT**

MARTEC ENVIRONMENTAL CONSULTANTS LTD

ANC REGISTERED TESTERS NO.134

Report Date: 25th October 2023
Revised: 7th November 2023 [NR & Clarifications]
Ref: 20231107 8258 Middlesborough PEL-2.docx
Site Visit by: M A Kenyon
Site Visit date: 24th October 2023

Prepared by: M A Kenyon MSc BSc MIOA

M.A. Kenyon

Checked by: D A B Kenyon BSc CIEH MIOA

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ANC ACOUSTICS &
NOISE
CONSULTANTS

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1.0 INTRODUCTION

Martec Environmental Consultants Ltd were instructed to carry out sound insulation tests at 58 Albert Road, Middlesbrough; the purpose of the tests was to determine whether the tested constructions met the sound insulation performance standards detailed in Appendix H of BS8233:2014, and to make recommendations for improvements where appropriate.

Martec were also instructed to carry out background noise monitoring to enable a suitable planning condition to be applied to any external plant installed as part of the development.

Reference is also made to measurements made by the author of sound insulation elsewhere between the upper floors of the same building for Building Regulations Purposes [Martec Ref.8258 SI Report v34] which is understood have already been submitted to the local authority as part of the current planning application.

This request arose as a result of an application to convert the ground floor retail space from a cafe to licensed premises. The client has provided the following summary of the Environmental Health Department's request for a noise assessment:

"Provide a noise assessment and scheme of sound insulation to demonstrate that the commercial use is viable within this location. The noise assessment should take account of noise from music played within the venue as well as noise from plant/equipment (air conditioning units/odour extraction equipment). The noise assessment should be in compliance with BS8233:2014 and BS4142:2014 as well as considering NR

curves for noise from low frequency noise. In addition, the assessment should consider the most effective sound insulation scheme in line with the above standards and Approved Document E. Mitigation measures will include sound insulation, potentially the need for a noise limiter and/or limiting the operational hours. A noise management plan should also be submitted to demonstrate how noise escape from the premises will be limited from customer noise e.g. use of the doors, customers congregating outside the premises."

This report describes the sound insulation tests and external noise measurements made by Mel Kenyon on Tuesday 24th October 2023, the equipment used, the results obtained, and draws conclusions as to the performance of the structure and proposes a suitable noise condition for external plant.

Appendix 1 is a description of acoustic terms, Appendix 2 contains the author's qualifications and experience and the detailed sound insulation graphs appear at the rear of the report in Appendix 3.

2.0 BACKGROUND TO ASSESSMENT

The development is described in greater detail as part of the application, but in brief, the ground floor of the premises is a former cafe with two residential flats on the first floor [See Figures 1 and 2]; the adjacent shop premises also appear to have flats above.

We are instructed as follows:

1. Music would be played at background/ambient levels only.
2. There would be no live music;
3. Operational hours would be until 1am on Friday and Saturday's only.
4. The beer cellar and its attendant plant are located in the basement of the building; therefore, only the kitchen extract is located externally and consequently, the latest that any external plant would be running would be 9pm.

The construction of the separating floors in the residential sections of the building was described as "concrete with a timber overboarding and a deep ceiling void." Currently there did not appear to be any 'ceiling' in the ground floor premises with the underside of the concrete slab visible in many locations through an 'open' feature ceiling.

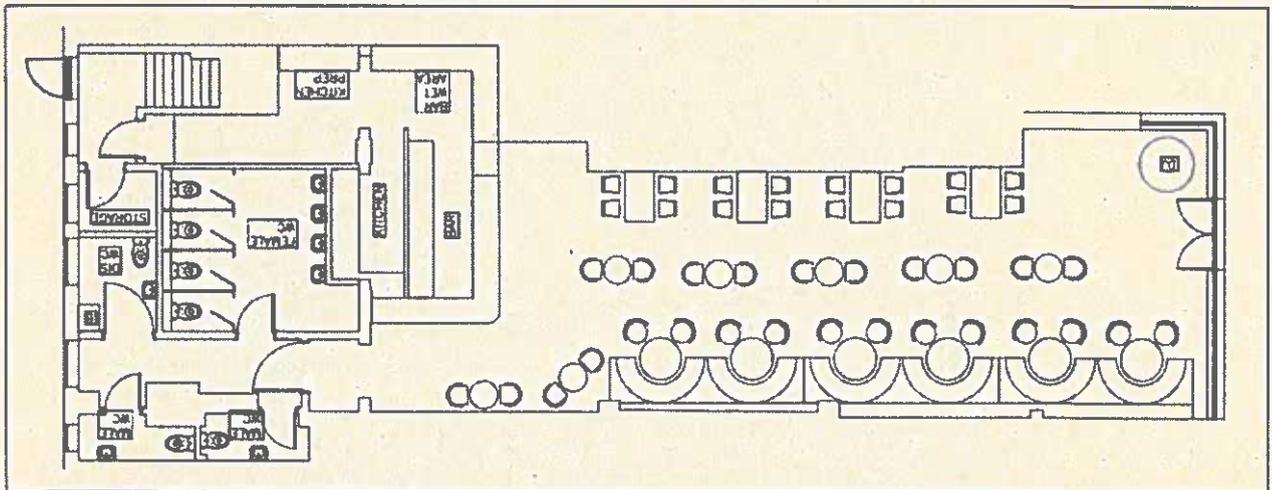


Figure 1: Ground Floor – Restaurant / Cocktail Bar [Front of Bldg to right]

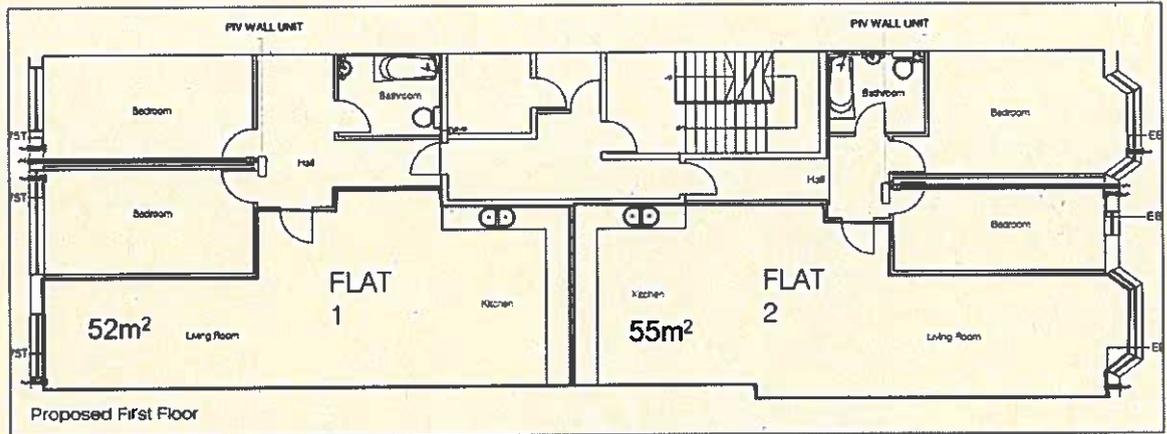


Figure 2: First Floor [Flat numbers transposed - Front of Bldg to right]

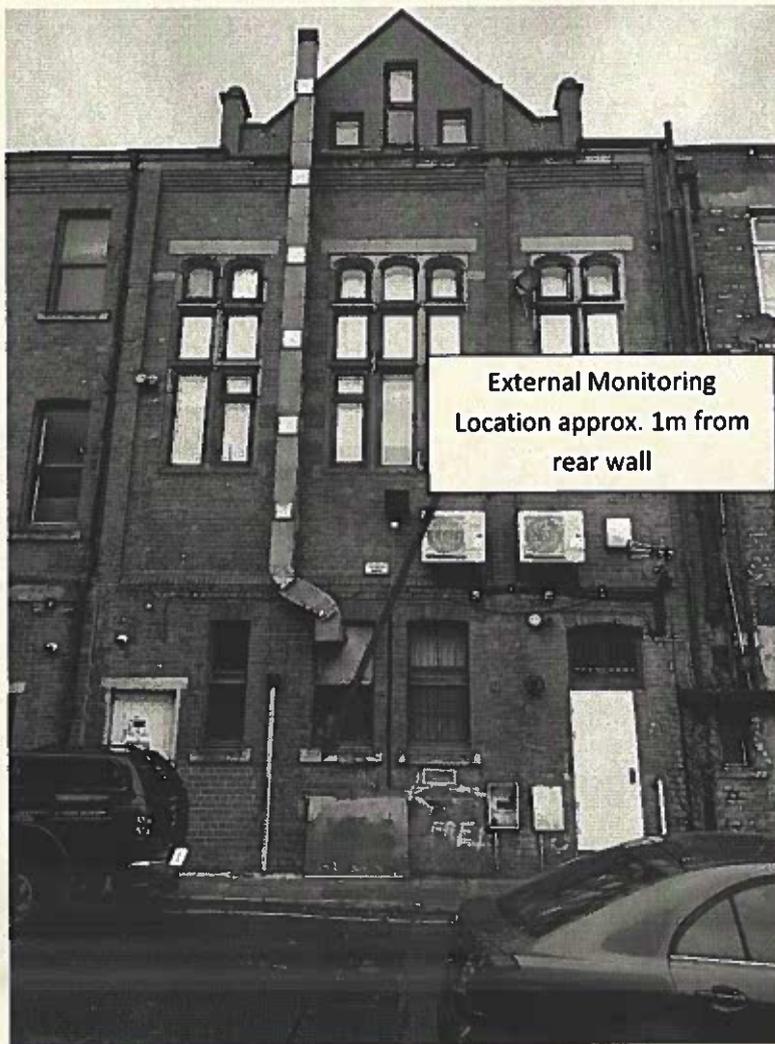


Figure 3: Photograph of Rear of Premises

It is understood that the new kitchen extract plant connects to the former flue located at the rear of the premises; accordingly, monitoring was conducted at the location is shown in Figure 3 above, i.e. directly beneath the kitchen extract.

Figure 4 below shows a view of the externally mounted plant opposite the rear of the premises; the operation of these units appeared to be associated with the beer cellar of the 'Sky Sports Bar' opposite.

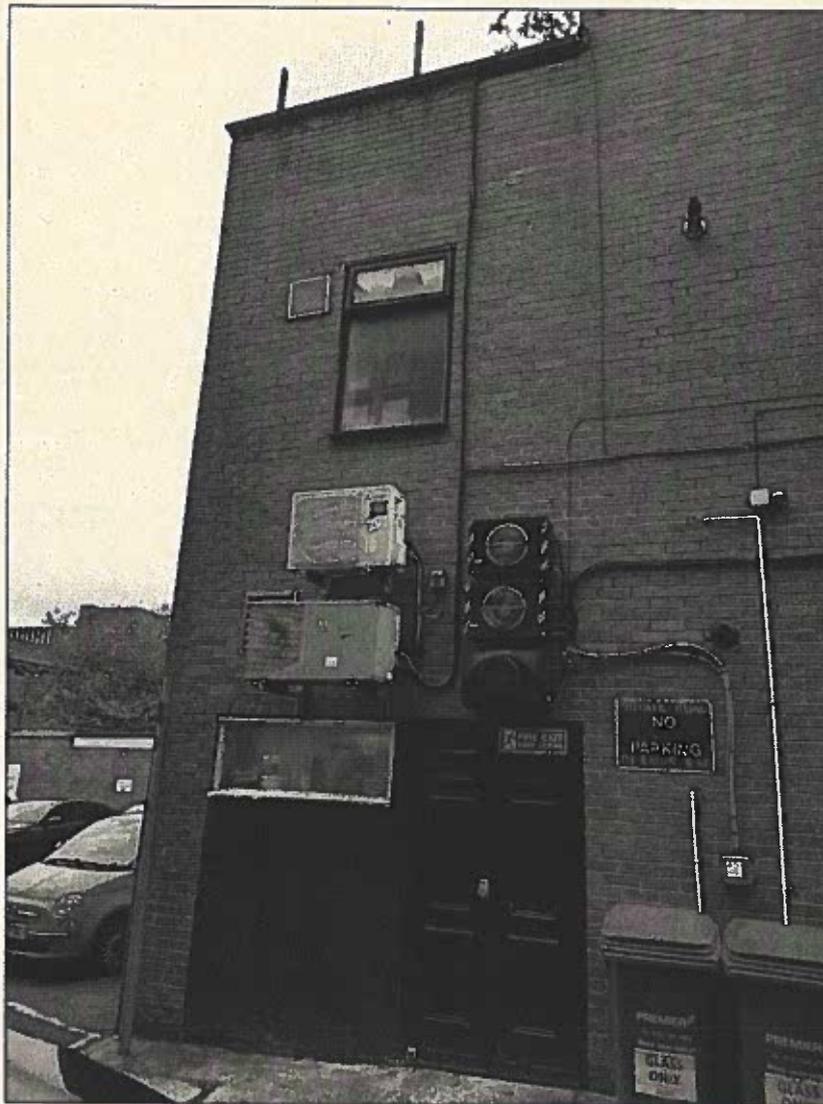


Figure 4: External Plant of 'Sky Sports Bar'

3.0 CRITERIA

3.1 British Standard 8233

BS8233:2014 is entitled "Guidance on sound insulation and noise reduction for buildings" and Annex H contains "Examples of design criteria adopted by hotel groups".

For airborne sound insulation, Annex H sets out criteria in terms of a single number value either in terms of $D_{nT,w}$ or in terms of $D_{nT,w}+C_{tr}$; these are forms of weighted averages of performance across the range of frequencies. C_{tr} is a spectrum adaptation term designed to give more weight to the performance of separating structures at low frequencies.

In Annex H of BS.8233:2014 the nearest category to this case is a recommended sound insulation of 60 dB $D_{nT,w}$ between a bedroom and a restaurant/bar within the same hotel.

In Annex H, there is also the criteria for "Bedroom - Other tenancies" of 65 dB $D_{nT,w}$. The Association of Noise Consultants commented on Annex H of BS8233:2014; in fairness they didn't like most of the recommendations in Annex H; they stated:

"The most obvious examples of flaws are the criteria for bedroom to other tenancies (which could vary from a library to a nightclub) or plant room (which could vary from a tank room to a diesel generator) or bar (which could vary from a small boutique bar or to a large one with loud music or raucous groups watching football)."

Given the proposed operational hours, the proposed character of the bar/restaurant, and comments of the ANC, it is considered that the "Bedroom - Restaurant/bar" criterion of 60 dB $D_{nT,w}$ would apply.

Annex H does not contain suggested sound insulation levels between a bar and a living room, but given the less sensitive nature of living rooms, it is considered that the same sound insulation criterion were applied then adequate protection would be ensured.

3.2 Plant Noise

It is common for local authorities to require plant noise not to exceed pre-existing background noise levels in the area.

4.0 MEASUREMENTS

4.1 Sound Insulation Tests

Measurements were made between the ground floor commercial space at the front of the building, and the smaller bedroom in the flat directly above this location, i.e. also at the front of the building a wholly and directly over the 'patron space' in the ground floor premises.

The airborne sound insulation of the separating structure was tested in full accordance with the methodology of ISO 140:1998 Part 4 and single number values for $D_{nT,w}$ & $D_{nT,w}+C_{tr}$ were calculated using the methodology of ISO 717: 1996 part 1.

The source level in the commercial space was determined according to the following method. The sound sources were placed on stands with the second source position was at least 1.4m from the first, with neither speaker facing towards the partition tested; the minimum distance from each speaker to any room boundary was at least 500mm and the minimum difference in those distances was 100mm. The speakers operated simultaneously using separate, uncorrelated, pink noise sources.

A preliminary sweep measurement was made over the course of at least 30 seconds and any differences between adjacent 1/3 octaves, greater than 6 dB, were eliminated by a combination of adjusting the source settings, moving the loudspeakers or by moving diffusers (or furniture). Subsequently 10 second measurements were made at least five microphone positions for both the source and receiver rooms (received levels and background noise measurements).

No microphone position was closer than 0.5m from the room boundaries and each was at least 0.7m from other microphone positions.

4.1.1 Instrumentation

Details of the measuring instrumentation are shown in Table 1 below:

Model	Instrument	Serial No.	Lab Cal Certificate	Re-Calibration Due
E Svan 957	Sound Level Meter	23202	1504880-3	20/03/2025
Svan SV12L	Preamp	33542	1504880-3	20/03/2025
MTG MK255	Microphone	15795	1504880-3	20/03/2025
B&K 4231	Calibrator	2084928	1504880-1	20/03/2025
Behringer Eurolive B115	Speakers	S181100088AEA	n/a	n/a
Stereo recording of pink noise played on in-built MP3 player			n/a	n/a

Table 1: Instrumentation Used On-Site

4.1.2 Reverberation Time Measurements

The reverberation times were determined by using the sound level meter [meter 'E' in Table 1] and its internal software or external PC software. The average value of T20 for five starting pistol impulses at five different source and receiver positions was used. Reverberation time calculations were made using the "reverse-Schroeder integration method". The approved methodology requires six impulses to be measured; however, only five impulses were suitable for analysis. It is not considered that the overall results or conclusions to the report have been significantly affected.

4.2 Evening Background Noise Measurements

The external background noise measurements were made at the rear of the premises, after dark, in a poorly lit alley off the city centre; there was nowhere where the equipment could securely be left unattended; accordingly hand-held measurements were made, approximately 1m from the rear of the building at the location shown in Figure 3 above.

The measurements approximated to façade levels and were made using the sound level meter and calibrator detailed in Table 1 above.

Initially sample measurements were made for 1 minute every 10 minutes or so; however, it became clear that the LA90 levels varied very significantly depending on the operation of one of the units shown in Figure 2 operated; accordingly, it was decided that a longer terms

measurement would need to be made and this occurred from approximately 19:22 to 19:52 hours.

4.3 People [Source] Noise Levels

4.3.1 Defra

Defra has funded research into the noise impact from pubs and clubs; Phase I of the study ["Noise from Pubs and Clubs – Phase I" Contract No. NANR 92] was a report on likely source noise levels and assessment methodologies at the time [October 2005]. At Section 2.1.1.4 it is stated

"...Noise levels measured in bars and restaurants during quiet periods showed noise levels of 65-70 dB LAeq. Noise levels of up to 88 dB LAeq were measured during busy periods in bars not playing music, i.e. just customer noise."

When predicting noise impact through building structures, it is necessary to know, not only the overall level of noise, but also the spectrum shape of the noise. Unfortunately, the Defra research did not provide any details of the spectrum of 'customer noise'; therefore, mention of McDonalds and KFC below is not an error – in order to predict noise levels upstairs, this report requires the use of a source spectrum for 'people noise' downstairs and the measurements of 'people noise' were made in McDonalds and KFC.

4.3.2 Martec People [Source] Measurements

In connection with another matter, Martec made measurements at two restaurants of patron noise and reported as follows:

"Measurements were made at two similar McDonalds Restaurants which it is considered are a similar size to the proposed KFC at Southport. In both cases, measurements were made as close to the centre of the restaurant area as could be achieved..."

The Ormskirk MacDonald's was visited on Friday 1st February 2002 during mid-afternoon; it is a town centre restaurant and at the time of the measurements was mostly frequented by clients from late teens upwards and was about one-quarter full. The third-octave results appear in Figure 1; the 1-hour LAeq was 67.5 dBA, which would lead to an estimated noise level of maximum capacity of 73.5 dBA [67.5 + 6].

The Aintree MacDonald's was visited on Sunday 3rd February 2002 it is a drive through facility on a trading estate, but its restaurant area appeared to be of a similar size. The facility was almost full, with almost all seats occupied; the clientele ranged from infant school children involved in a children's party in a separate room to many adults. The third-octave results appear in Figure 1 [Not included]; the 15-minute LAeq was 74.8 dBA. The overall level and spectrum shape agree well with the results from the Ormskirk branch."

For the purposes of this assessment, a figure of 88 dB LAeq from the Defra research, and the "Aintree" spectrum has been assumed in the predictions of noise in the first-floor dwelling; these predictions appear in Section 6.2 below.

5.0 RESULTS

5.1 Sound Insulation Test Results

The detailed results appear in the Chart towards the rear of the report; the summary results are within Table 2 below:

ANC Test	Source	Vol Receiver (m3)	Vol Element (m3)	Criterion D _{nT,w} (dB)	Results D _{nT,w} (dB)
Not Applicable	Ground Floor Commercial	>382	1st Floor Flat 1 - Bed 2	≥60	49

5.2 Background Noise Measurements

The background noise readings are shown in Table 2 below:

End Date & time	Duration	L _{Amax,F}	L _{Amin}	L _{Aeq}	LA01	LA10	LA50	LA90
24/10/2023 18:22:36	00:01:00	64.2	60.2	61.7	63.7	62.6	61.6	60.8
24/10/2023 18:34:30	00:01:00	60.4	52.8	55.7	58.9	56.9	55.5	54
24/10/2023 18:46:26	00:01:00	58	53.4	55.7	57.9	56.9	55.6	54.3
24/10/2023 18:58:04	00:01:00	61.1	51.5	55.1	60.7	56.9	54.4	53
24/10/2023 19:10:02	00:01:00	60.8	53.4	56.3	60.4	58	55.9	54.2
24/10/2023 19:20:38	00:01:00	70.3	60.2	62.4	70	63.9	61.6	60.4
24/10/2023 19:52:08	00:31:00	77.8	49.7	59.3	64.4	61.8	56.8	53
24/10/2023 19:53:47	00:01:35	62.2	53.8	60.7	62.6	61.8	60.9	56.5
24/10/2023 19:58:54	00:05:04	73.3	51.6	55.8	64.6	56.7	54.3	52.8

Table 2: Background Noise Levels [dBA facade]

6.0 DISCUSSION OF RESULTS

6.1 British Standard 8233:2014

From Table 1 in Section 5.1 above, it can be seen that the measured sound between the ground floor premises and the bedroom above does not currently meet the Annex H recommended level of 60 dB $D_{nT,w}$; therefore, additional works are required to improve the sound insulation.

As discussed above, the author previously made sound insulation measurements on the upper floors of the building and the results shown in Table 4 below [and in Charts at the rear of the report] were obtained:

ANC Test	Source	Vol Receiver (m ³)	Vol Element (m ³)	$D_{nT,w}$
1345458602	FF Front Flat 2 [1] Kit/Liv	132	2F Front Flat 4 [3] Kit/Liv	67
1345458604	FF Rear Flat 1 [2] Kit/Liv	125	2F Rear Flat 3 [4] Kit/Liv	60

The above results did meet the target value of Annex H, and the main constructional difference between the floor/ceiling [ground-first] as compared with the floor/ceilings above is the absence of any form of ceiling at ground floor level. It seems probable that the concrete base floor will be the same, consequently the installation of a similar ceiling for the ground floor should ensure the same performance levels.

6.2 Predicted Bedroom Noise Levels

The results of the sound insulation tests on the existing floor [assuming as above that a similar ceiling is installed and using the uncorrected difference in levels between first and second floors at the rear of the building] can be combined with the derived source noise levels and

spectrum shape in Section 4.2 above, to predict the resultant noise levels in the upstairs bedroom as shown in Table 4 below.

Condition	Third Octave Band Centre Frequency [Hz]															dBA	NR	
	100	125	160	200	250	315	400	500	630	800	1000	1250	1600	2000	2500			3150
Aintree Spectrum	69.5	67.5	68	68	63	62	62	64.5	67	67	65	65	65	64	64.5	69	78	
Adjusted to [dBA] & Level	79	77	78	78	73	72	72	74	77	77	75	75	75	74	74	79	88	
Measured 'D' Kit/Liv [2-4]	43	43	48	50	49	51	53	54	57	59	63	66	68	71	74	77		
Resultant Internal Level	36	34	30	27	23	21	18	20	20	17	12	9	7	3	1	2	27	20

Table 4: First Floor Rear Bedroom Noise Level – Existing Sound Insulation [dB LAeq]

Using the measured levels of existing sound insulation, and the measurements of restaurant noise spectrum and the level of a "Busy non-music" bar from the Defra Study, the predicted noise level in the first-floor bedroom would be 27 dB LAeq or NR 20.

6.3 Background Noise Levels – Plant Noise

It can be seen that most of the measurements indicated that the background level was 53-54 LA90 at the rear façade. Higher levels of 61 LA90 were encountered associated with the sporadic operation of plant associated with the Sky Sports Bar.

On a precautionary basis it is considered that the lowest measured value during the monitoring should be used to represent the evening background noise levels [52.8 LA90].

7.0 CONCLUSIONS AND RECOMMENDATIONS

The current levels of sound insulation between the ground floor and bedroom do not meet the criteria of Annex H of BS8233:2014, and accordingly additional works are required; as discussed above from previous measurements in this building, if the same structure [mainly the

'missing' ceiling] can be installed on the ground floor as elsewhere, then the sound insulation performance should meet the criteria of Annex H of BS8233.

On a precautionary basis:

- The layers of the ceiling 'sandwich' a layer of "Green Glue" or "Quiet Glue Pro" **and no others** following the manufacturer's instructions [if the ceiling structure elsewhere only has one plasterboard layer, then it will be necessary to install an additional layer].
- If there is no mineral wool absorption in the ceiling elsewhere, Insert a layer of mineral wool in the ceiling void - minimum thickness 100mm, minimum density 10kg/m³.
- Any decorative ceiling, such as currently exists, will need to be located below the acoustic ceiling, without prejudicing the performance of the acoustic ceiling.
- Should for any reason the above measures not improve the sound insulation sufficiently, then it would be possible to add a layer of Acoustilay15 [or similar and approved] to the floor above, but this would require access to the apartments above; however, it is understood that the both the ground and first floors of the building are in common ownership.

It is considered that with suitably worded conditions, the noise impact should not bar the grant of planning consent for the ground floor restaurant/cocktail bar.

Regarding any externally mounted plant, which we understand would only operate until 9pm, this should be designed to achieve a level no higher than 53 dB LAeq,1hr [façade], i.e. existing evening background noise levels 1m outside the windows of the nearest habitable rooms.

APPENDIX 1 EXPLANATION OF ACOUSTIC TERMS

The **dB** or the decibel, is the unit of noise. The number of decibels or the level, is measured using a sound level meter. It is common for the sound level meter to filter or 'weight' the incoming sound so as to mimic the frequency response of the human ear. Such measurements are designated **dB(A)** or **dB(A)**.

A doubling of the sound is perceived, by most people, when the level has increased by 10 **dB(A)**. The least discernible difference is 2 **dB(A)**. Thus, most people cannot distinguish between, say 30 and 31 **dB(A)**.

If a noise varies over time then the equivalent continuous level, or **L_{Aeq}**, is the notional constant level of noise which would contain the same amount of acoustic energy as the time varying noise.

T_{mf} is a measure of the average reverberation time (echoiness) in mid frequencies for a space. The larger (longer) the **T_{mf}** the more echoy or "live" the space.

The **R_w** is a laboratory measure of the intrinsic airborne sound insulation capabilities of a structure. The **D_{nT,w}** is a measurement (or prediction) of the overall airborne sound insulation in situ and as such will depend flanking conditions, the proportion of the separating structure's area to the receiving room volume, and well as the maximum permissible reverberation time of the receiver room. The larger the **R_w** or **D_{nT,w}** the better the sound insulation.

L_{nw} and **L_{nT,w}** are the corresponding terms to **R_w** and **D_{nT,w}** respectively for impact sound (footfalls) measurements and values, but in this case the smaller the **L_{nw}** and **L_{nT,w}** the better the impact sound insulation.

APPENDIX 2 QUALIFICATIONS AND EXPERIENCE OF M.A. KENYON

My full name is Melville Alexander Kenyon. I am the principal of the firm of Martec Environmental Consultants Ltd, a consultancy company that specialises in environmental noise assessment and control. I graduated in 1982 with a Bachelor's degree in Engineering and subsequently a Master's degree in Environmental Acoustics. I have been a corporate member of the professional body for noise and vibration specialists, the Institute of Acoustics, since 1988, and have sat on the British Standards Committee dealing with noise in buildings [BS.8233:1999].

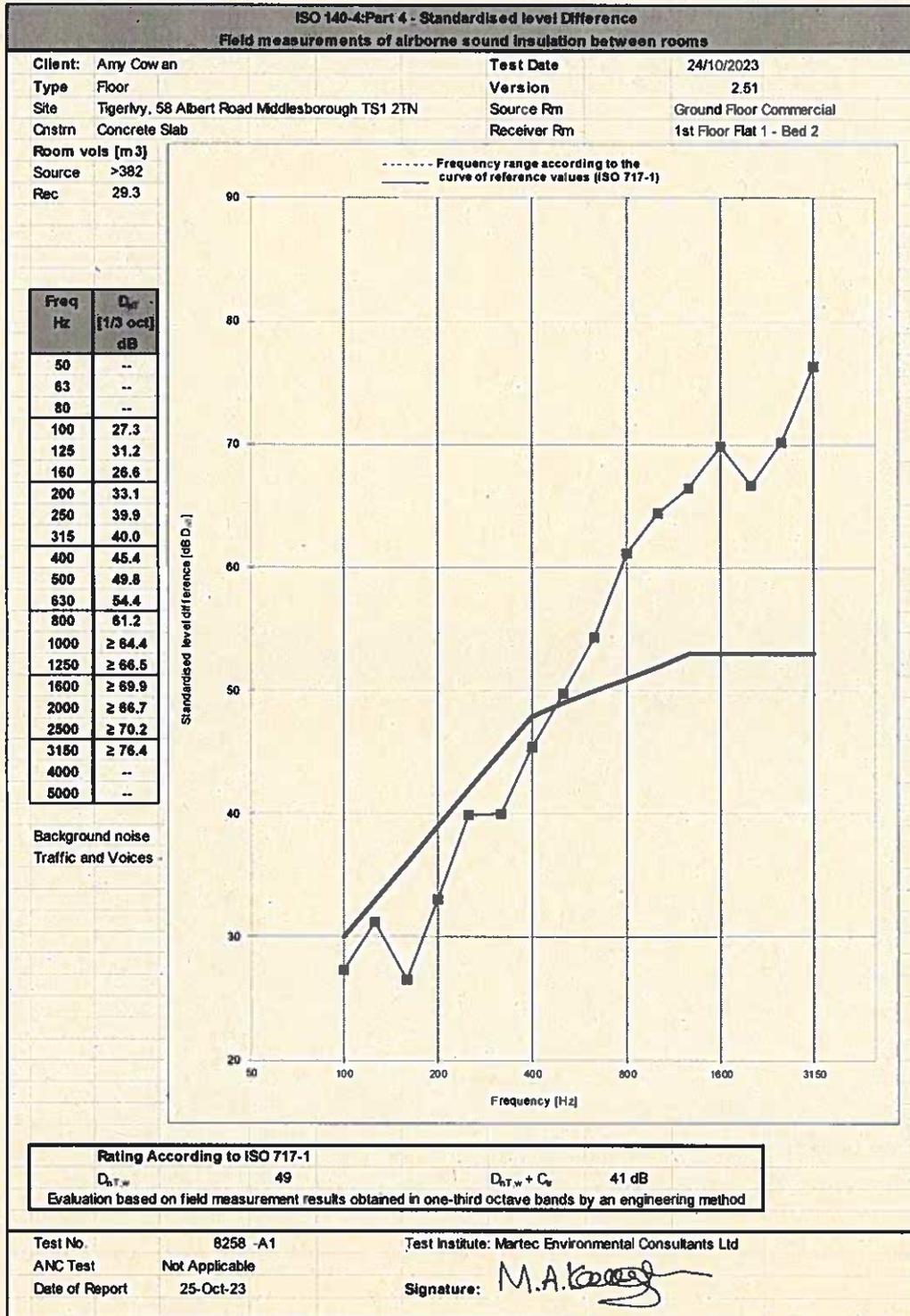
I have lectured at Liverpool John Moores University on the Diploma of Acoustics course and at Manchester Metropolitan University on their Environmental Health degree course.

Martec was formed in the 1970's and joined The Association of Noise Consultants in 1996 becoming accredited for sound insulation testing in 2005 [ANC Accredited Testers No.134].

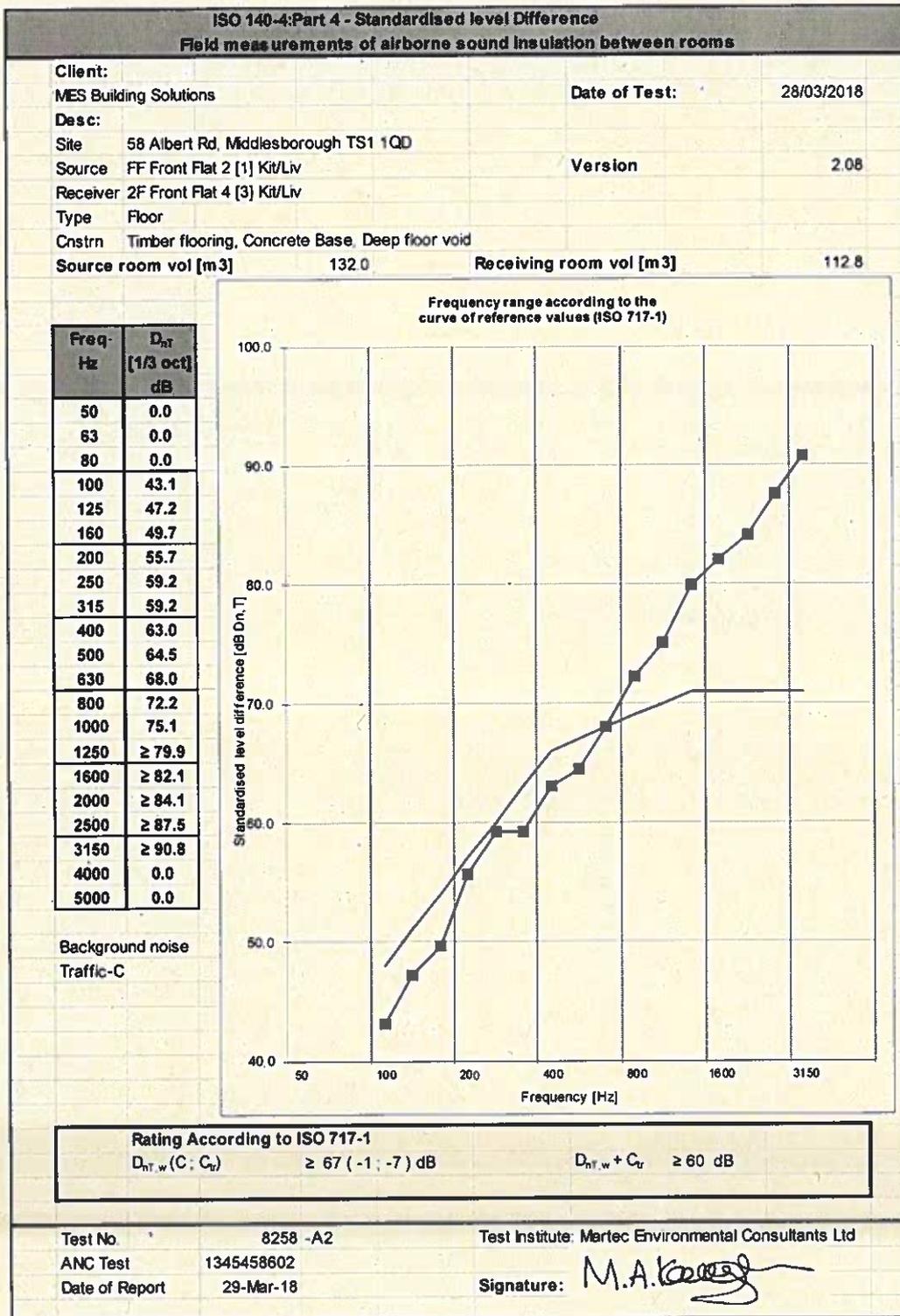
Since its formation, Martec has advised many groups of both residents and developers about the problems of noise and vibration in the environment.

APPENDIX 3 SOUND INSULATION TESTS

A3.1 2023 Test



A3.2 2018 Tests



ISO 140-4:Part 4 - Standardised level Difference			
Field measurements of airborne sound insulation between rooms			
Client:		Date of Test:	
MES Building Solutions		28/03/2018	
Desc:		Version:	
Site 58 Albert Rd. Middlesbrough TS1 1QD		2.08	
Source FF Rear Flat 1 [2] Kit/Liv			
Receiver 2F Rear Flat 3 [4] Kit/Liv			
Type Floor			
Cnstrn Timber flooring, Concrete Base, Deep floor void			
Source room vol [m3]		Receiving room vol [m3]	
124.8		86.4	

Freq Hz	D_{nT} [1/3 oct] dB
50	0.0
63	0.0
80	0.0
100	42.7
125	42.7
160	47.5
200	50.3
250	49.4
315	50.8
400	53.3
500	54.4
630	56.7
800	59.2
1000	62.5
1250	66.0
1600	67.8
2000	71.1
2500	73.6
3150	76.9
4000	0.0
5000	0.0

Background noise
0

Frequency range according to the curve of reference values (ISO 717-1)

Rating According to ISO 717-1

$D_{nT,w}(C; C_{tr}) = 60 (-1; -5) \text{ dB}$ $D_{nT,w} + C_{tr} = 55 \text{ dB}$

Test No.	8258 -A4	Test Institute: Martec Environmental Consultants Ltd
ANC Test	1345458604	Signature: <i>M.A. [Signature]</i>
Date of Report	29-Mar-18	

Tim Hodgkinson

From: Emma Tindall
Sent: Wednesday, 15 November 2023 13:25
To: Tim Hodgkinson
Subject: Tiger Ivy

As part of the planning application to change the use of the café (Goodbody's) to a bar/restaurant (Tiger Ivy – operating until 1am on Friday and Saturdays), Public Protection requested that a noise assessment was carried out to ensure that the sound insulation between the ground floor use as a bar/restaurant and the first floor residential use was suitable. The applicant provided a noise assessment that concluded that the sound insulation between the ground floor and first floor was inadequate and the use as a bar/restaurant would not be compatible with the first floor use as residential until there was an improvement to the sound insulation. This involved the installation of a new ceiling on the ground floor with sound insulation properties.

I understand following conversations with the Applicant that the costs involved in installing the ceiling are prohibitive for the applicant at this time therefore they are considering an option of operating as a restaurant only until 11pm. We are awaiting an updated noise report to determine whether the existing sound insulation is capable of reducing the noise level of a restaurant operating until 11pm on the ground floor so that the resultant noise levels within the first floor residential are adequate.

Emma Tindall, Public Protection Manager
Public Protection Service
Fountain Court, 119 Grange Road
Middlesbrough, TS1 2DT
Tel. (01642) 728861

Would you like to know more about allergens? The Tyne, Tees and Wear local authorities have created a series of short videos to help inform businesses and consumers, [please follow this link](#) to find out more.

For consumer protection news including product safety alerts, scams and rogue traders please join us on Facebook at <https://www.facebook.com/#!/pages/Middlesbrough-Trading-Standards/545461258846279>

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Our Values**Passion****Integrity****Creativity****Collaboration****Focus**

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