



## **Statutory Licensing Sub-Committee**

**Date**        **Monday 16 April 2012**  
**Time**        **10.00 am**  
**Venue**       **Council Chamber - Council Offices, Spennymoor**

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### **Business**

#### **Part A**

1.    Declarations of Interest (if any)
2.    Application for the Grant of a Premises Licence - New Oak Wines, 41 Mayfields, Greenways Estate, Spennymoor, Co Durham, DL16 6RW (Pages 1 - 44)
3.    Application for the Review of a Premises Licence - Pizza Place, 1A Fore Bondgate, Bishop Auckland, DL14 7PF (Pages 45 - 94)
4.    Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
5.    Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

#### **Part B**

**Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)**

6.    Application for a Personal Licence (Pages 95 - 112)
7.    Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Colette Longbottom**  
Head of Legal and Democratic Services

County Hall  
Durham

4 April 2012

To: **The Members of the Statutory Licensing Sub-Committee**

Councillors B Arthur, C Carr, P Charlton, J Lee and J Shiell

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**Contact: Jill Errington**

**Tel: 0191 370 6250**

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**Statutory Licensing Sub-Committee**

**16th April 2012**

**Application for the grant of a Premises Licence**




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**Report of Terry Collins, Corporate Director, Neighbourhood Services**

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**Name and Address of Premises:** New Oak Wines, 41 Mayfields, Greenways Estate, Spennymoor, Co. Durham. DL16 6RW

**1. Summary**

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

Mr Andrew Spenceley and Mr Christopher Oates  
T/A New Oak Wines  
41 Mayfields  
Greenways Estate  
Spennymoor  
DL16 6RW

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

A plan showing the layout of the premises is attached as Appendix 2.

**2. Details of the Application**

An application for the grant of a premises licence was received by the Licensing Authority on 16th February 2012. A copy of the application is attached as Appendix 3.

The application is deemed by the Licensing Authority to be correctly served and has been correctly advertised.

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

Activity	Days & Hours requested
Sale of Alcohol for consumption off the premises	Mon - Sun 0900 – 2000 hrs
Opening hours of the Premises	Mon - Sun 0900 – 2000 hrs

### **3. The Representations**

The Licensing Authority received one representation from an interested party, Mr. Darkes, Secretary of the Greenways Residents Association.

The representation relates to the public safety and protection of children from harm objectives.

A copy of the representation and additional documentation from Mr. Darkes are attached as Appendix 4.

On 27th March 2012, a letter was received from the applicant, Andrew Spenceley in response to Mr Darkes' representation. A copy of this correspondence is attached as Appendix 5.

Correspondence not amounting to a representation was received from:

- David Walker of Durham County Council's Planning Department

A copy of this correspondence is attached at Appendix 6.

### **4. The Parties**

The Parties to the hearing will be:

- Mr Andrew Spenceley and Mr Christopher Oates (The applicants)
- Mr Geoff Darkes (Interested party)

### **5. Durham County Council Statement of Licensing Policy**

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

- Part 6.0 - Public Safety
- Part 8.0 - The Protection of Children from Harm

Relevant information is attached at Appendix 7.

### **6. Section 182 Guidance**

The Sub-Committee's attention is drawn to the Guidance issued under section 182 of the Licensing Act 2003 and in particular

- Paragraph 2.0 – Licensing objectives
- Paragraph 3.6 – Internet and mail order sales



## **7. For Decision**

The Sub-Committee is asked to determine the application in the light of the application, the representation received and any mediation between the applicant and interested parties.

### **Background Papers:**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003.

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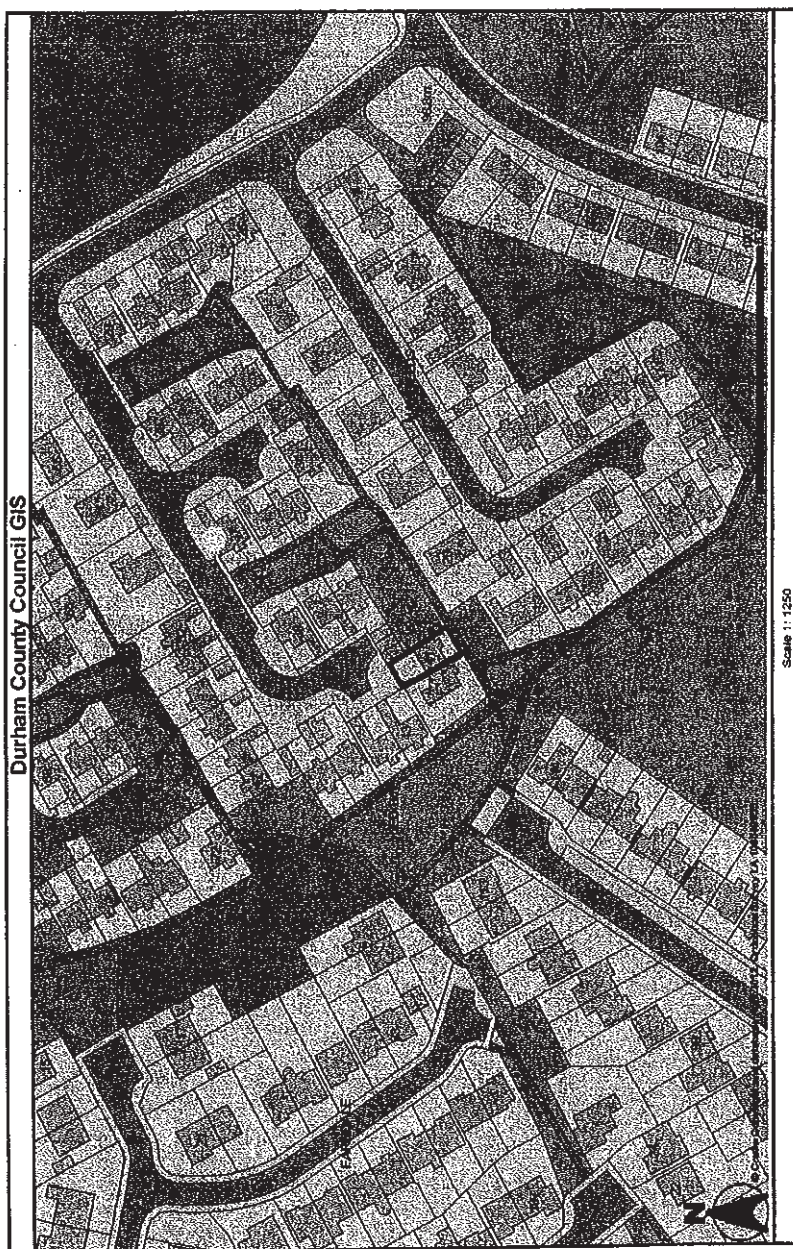
**Contact: Yvonne Raine**

**Tel: 01388 824364**

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

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## APPENDIX 1 – LOCATION PLAN

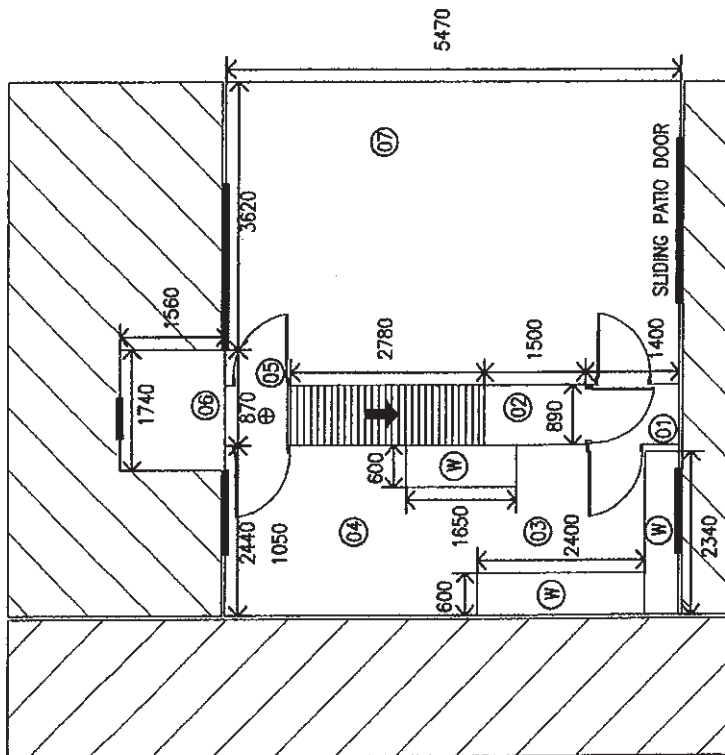


## APPENDIX 2 – LAYOUT PLAN

ALL DIMENSIONS ARE IN MM UNLESS STATED OTHERWISE

**LEGEND**

- ⊕ SMOKE ALARM
- ⌚ FIRE EXTINGUISHER
- ⊞ FIRST AID KIT
- WINDOW
- Ⓜ WORK SURFACE
- 765 DOOR



**NOTES**

- 01 REAR PORCH
- 02 UNDER STAIRS CUPBOARD
- 03 KITCHEN
- 04 DINING ROOM
- 05 BOTTOM OF STAIRS
- 06 FRONT PORCH
- 07 LIVING ROOM

LEDGER

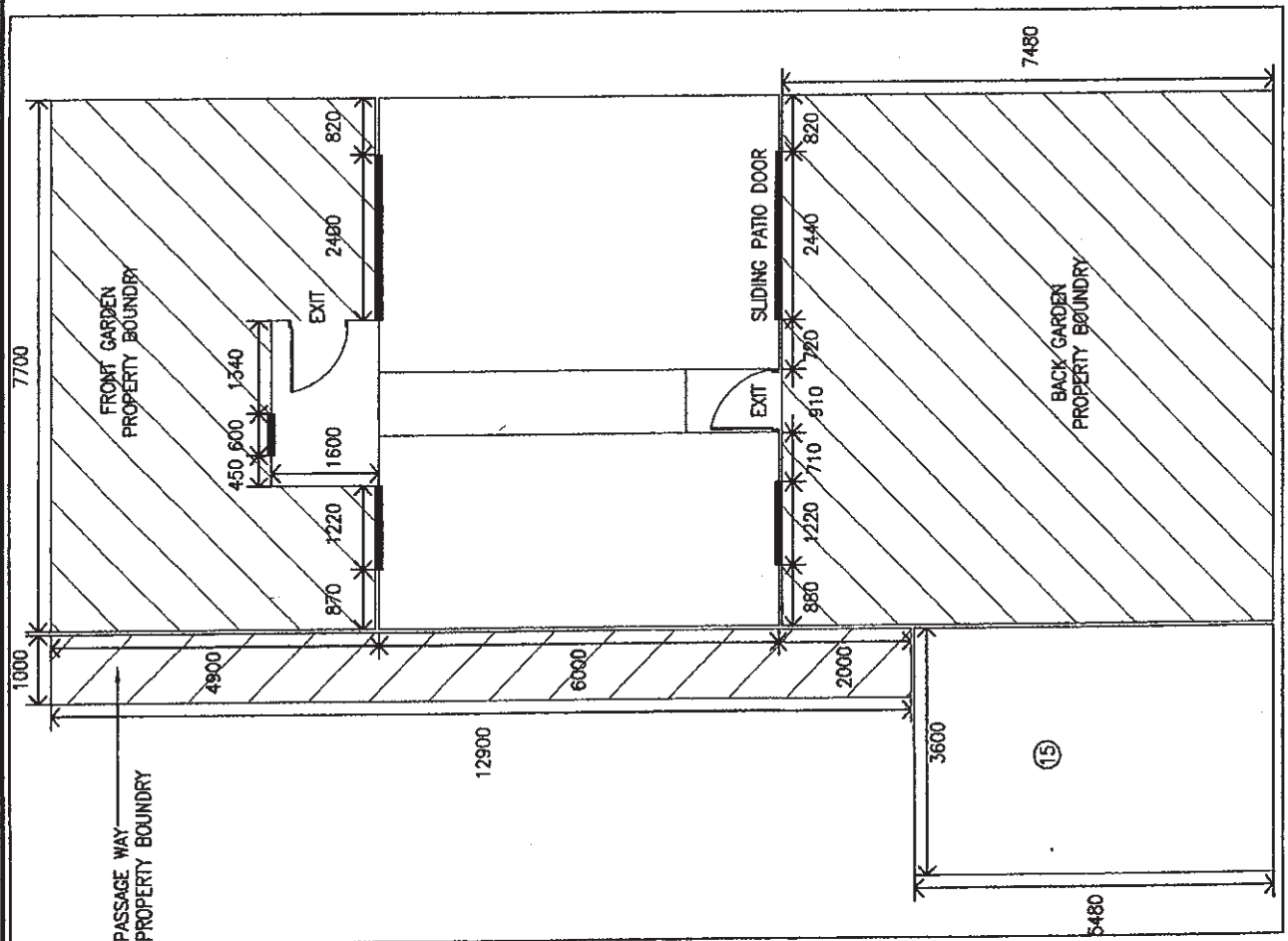
NEW OAK WINES / ANDREW SPENCELEY

ADDRESS

41 MAYFIELDS, GREENWAYS ESTATE,  
SPENNYMOOR, COUNTY DURHAM, DL16 6RW

GROUND FLOOR INTERNAL

Date	DRG No.	Drawn	Scale
01.02.12	01	AS	1:100 @ A4



ALL DIMENSIONS ARE IN MM UNLESS STATED OTHERWISE

# LEGEND



DOOR

# NOTES

(15)

GARAGE

LEDGER

NEW OAK WINES / ANDREW SPENCELEY

ADDRESS

41 MAYFIELDS, GREENWAYS ESTATE,  
SPENNYMOOR, COUNTY DURHAM, DL16 6RW

Title

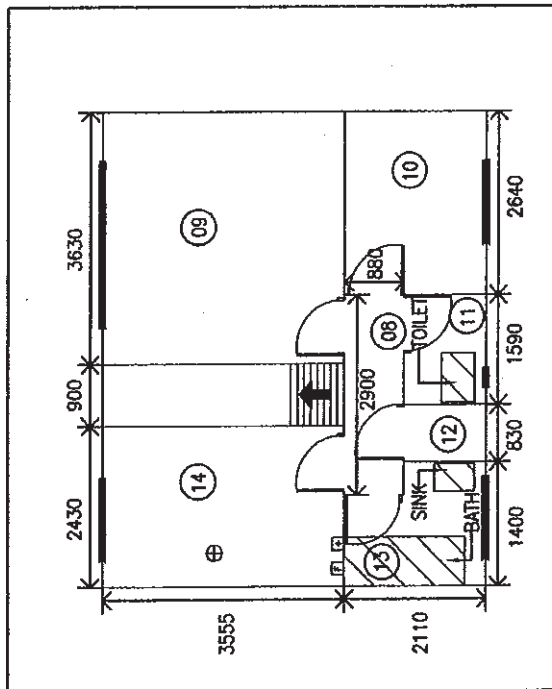
GROUND FLOOR EXTERNAL

Date 01.02.12

DRG No. 02

Drawn AS

Scale 1:100 @ A4



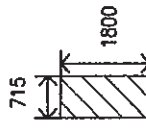
NOTES

- 08 LANDING
- 09 BEDROOM 1
- 10 BEDROOM 2
- 11 WC
- 12 BOILER CUPBOARD
- 13 BATHROOM
- 14 OFFICE

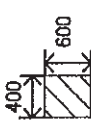
ALL DIMENSIONS ARE IN MM UNLESS STATED OTHERWISE

LEGEND

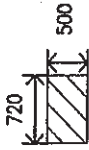
- ⊕ SMOKE ALARM
- FIRE EXTINGUISHER
- FIRST AID KIT



BATH



SINK



TOILET



DOOR

WINDOW

14

OFFICE WHERE THE SALE  
& DISTRIBUTION OF  
ALCOHOL VIA PHONE /  
MAIL ORDER &  
E-COMMERCE WILL BE  
UNDERTAKEN

LEDGER

NEW OAK WINES / ANDREW SPENCELEY

ADDRESS

41 MAYFIELDS, GREENWAYS ESTATE,  
SPENNYMOOR, COUNTY DURHAM, DL16 6RW

Title

FIRST FLOOR INTERNAL

Date 01.02.12

DRG No. 03

Drawn AS

Scale

1:100 @ A4

## **APPENDIX 3 – APPLICATION**





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 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 NEW OAK WINES (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 <u>41 MAYFIELDS</u> <u>GREENWAYS ESTATE</u> <u>COUNTY DURHAM</u>	
Post town <u>SPENNYMOOR</u>	Post code <u>DL16 6RW</u>

Telephone number at premises (if any)

01388 740168

Non domestic rateable value of premises

£ 0.00 - BAND A - FEE £100

Part 2 – Applicant Details

Please state whether you are applying for a Premises Licence as:

- Please tick ✓
- |   |   |
|---|---|
| a) an individual or individuals*                | <input type="checkbox"/> please complete section (A)            |
| b) a person other than an individual*           |   |
| i. as a limited company                         | <input type="checkbox"/> please complete section (B)            |
| ii. as a partnership                            | <input checked="" type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/> please complete section (B)            |
| iv. Other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B)            |

- |   |                          |                             |
|---|--------------------------|-----------------------------|
| c) a recognised club  | <input type="checkbox"/> | please complete section (B) |
| d) a charity  | <input type="checkbox"/> | please complete section (B) |
| e) The proprietor of an educational establishment   | <input type="checkbox"/> | please complete section (B) |
| f) A health service body  | <input type="checkbox"/> | 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   | <input type="checkbox"/> | please complete section (B) |
| ga) A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) The chief officer of police of a police force in England and Wales   | <input type="checkbox"/> | please complete section (B) |

Please tick ✓

\*If you are applying as a person described in (a) or (b) please confirm:

- 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

<input type="checkbox"/>
<input type="checkbox"/>

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title  
(for example, Rev) ☐

Surname

First names



Please tick ✓

I am 18 years old or over

☐

Current postal address  
if different from  
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title  
(for example, Rev) ☐

Surname

First names



Please tick ☒

I am 18 years old or over

☐

Current postal address  
if different from  
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

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

Name	ANDREW SPENCELEY	CHRISTOPHER OATES
Address	41 MAYFIELDS GREENWAYS ESTATE SPENNYMOOR COUNTY DURHAM DL16 6RW	<del>XXXXXXXXXX</del> <del>XXXXXXXXXX</del> <del>XXXXXXXXXX</del> <del>XXXXXXXXXX</del>
Registered number (where applicable)	N/A	
Description of applicant (for example, partnership, company, unincorporated association etc.)	BOTH OF THE NAMED ABOVE ARE PARTNERS IN NEW OAK WINES.	
Telephone number (if any)	01388 740168	01388 740168
E-mail address (optional)	ANDREW@NEWOAKWINES.CO.UK	

### Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
23	03	2012

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

Day	Month	Year

If 5000 or more people are expected to attend the premises at any one time, please state the number expected to attend

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

WE ARE A DOMESTIC HOUSE, SELLING WINE ON THE INTERNET. 1 ROOM IS TO BE USED TO STORE ALCOHOL BEFORE DISPATCH TO CUSTOMERS, AFTER AGE VERIFICATION HAS TAKEN PLACE. SALES ARE OFF SALES ONLY. NO PERSON WILL BE CALLING AT THE PREMISES, ORDERS WILL BE PROCESSED FROM THE PREMISES DURING THE DAY ONLY. ORDER WILL BE TAKEN 24/7 VIA THE ONLINE ROUTE BUT DISPATCHING FROM THE PREMISES WILL BE DURING THE DAY TO CONSIDER NEIGHBOURS. WHEN PURCHASES HAPPEN CLIENTEL WILL HAVE TO VERIFY THEIR AGE.

What licensable activities do you intend to carry on from the premises?  
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

Please tick ✓

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

**Provision of entertainment facilities:**

- |    |  |                          |
|----|--|--------------------------|
| i) | making music (if ticking yes, fill in box I)   | <input type="checkbox"/> |
| j) | dancing (if ticking yes, fill in box J)  | <input type="checkbox"/> |
| k) | entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

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

☐

**Sale by retail of alcohol (if ticking yes, fill in box M)**

☒

**In all cases complete boxes N, O and P**

**A**

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
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 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed				
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Fri				
Sat				
Sun			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 5)	



E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish		
Mon			<b>Please give further details here</b> (please read guidance note 3)	
Tue				
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)	
Thur				
Fri			<b>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</b> (please read guidance note 5)	
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4).	
Thur				
Fri				
Sat			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 5)	
Sun				

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)	
Thur				
Fri			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 5)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)	Both <input type="checkbox"/>
Wed				
Thur				
Fri			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)	
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 5)	
Sun				

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the facilities for making music you will be providing</b>			
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)			
					Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>			
Mon			<b>Please give further details here (please read guidance note 3)</b>			
Tue						
Wed						
Thur			<b>State any seasonal variations for the provision of facilities for making music (please read guidance note 4)</b>			
Fri						
Sat						
Sun			<b>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)</b>			

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)</b>	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
			<b>Please give a description of the facilities for dancing you will be providing</b>	
Day	Start	Finish		
Mon			<b>Please give further details here (please read guidance note 3)</b>	
Tue				
Wed			<b>State any seasonal variations for providing dancing facilities (please read guidance note 4)</b>	
Thur				
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>	
Sat				
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)	
Wed				
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					



M

<b>Sale of alcohol</b> Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises <input type="checkbox"/>
				Off the premises <input checked="" type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the sale of alcohol (please read guidance note 4)  Sales can happen 24/7 online or by phone. Alcohol will only be distributed during these times	
Mon	0900	2000		
Tue	0900	2000		
Wed	0900	2000		
Thur	0900	2000		
Fri	0900	2000		
Sat	0900	2000		
Sun	0900	2000	Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)	

State the name and details of the individual whom you wish to specify on the licence as premises supervisor	
Name	ANDREW SPENCELEY
Address	41 MAHFIELDS GREENWAYS ESTATE SPENNYMOOR
Postcode	DL16 6RW
Personal licence number (if known)	DCCPER70774
Issuing licensing authority (if known)	DURHAM COUNTY Council (SPENNYMOOR)

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NO PROBLEMS AS PREMISES  
ARE TO BE USED  
FOR DISPATCH AND STORAGE  
OF WINES

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0900		PREMISES ARE USED FOR DISPATCH ONLY
		2000	
Tue	0900		
		2000	
Wed	0900		
		2000	
Thur	0900		
		2000	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Fri	0900		
		2000	
Sat	0900		
		2000	
Sun	0900		
		2000	

P

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

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)

QUALIFIED WELL TRAINED STAFF TO  
BE VIC LAST WHEN CHECKING AND  
VERIFICATION OF CUSTOMERS

b) The prevention of crime and disorder

PREMISE WILL BE SECURED WHEN  
NOT DISPATCHING ALCOHOL

c) Public safety

NO EXTRA TRAFFIC WILL BE  
ATTRACTED.

d) The prevention of public nuisance

DISPATCH WILL BE DURING THE  
DAY AND CREATE NO EXTRA NOISE  
OR TRAFFIC

e) The protection of children from harm

WE HAVE A STRICT POLICY TO  
CHECK PURCHASERS ARE OVER 18 YEARS  
OF AGE.

- I have made or enclosed payment of the fee
- I have enclosed a 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 proposed 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

Please tick ✓

✓
✓
✓
✓
✓
✓

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature ..... *[Signature]*  
 Date ..... 14/02/2012  
 Capacity ..... (PARTNER) DESIGNATED PREMISES SUPERVISOR

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature ..... *[Signature]*  
 Date ..... 14/02/2012  
 Capacity ..... PARTNER

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 19)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	

## Notes for guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick on. If you wish people to be able purchase alcohol to consume away from the premises, please tick off. If you wish people to be able to do both, please tick both.
8. 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, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Consent of individual to being specified as premises supervisor  
under the Licensing Act 2003

I ANDREW SPENCELEY (full name of prospective premises supervisor)  
of NEW OAK WINES, 41 MAYFIELDS, GREENWAYS  
ESTATE, SPENNYMOOR (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 PREMISES LICENCE (type of application)  
by ANDREW SPENCELEY (name of applicant)  
relating to a premises licence (number of existing licence, if any)  
for 41 MAYFIELDS, GREENWAYS ESTATE, SPENNYMOOR  
CO. DURHAM (name and address of premises to which the application relates)  
and any premises licence to be granted or varied in respect of this application made  
by ANDREW SPENCELEY (name of applicant)  
concerning the supply of alcohol at 41 MAYFIELDS, GREENWAYS  
ESTATE, SPENNYMOOR (name and address of premises to which application relates).

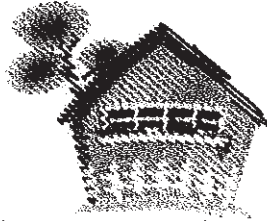
I also confirm that ~~I am applying for~~, intend to apply for or currently hold a personal  
licence, details of which I set out below.

Personal licence number DCC PER 70774 (insert personal licence number, if any)  
Personal licence issuing authority DURHAM COUNTY COUNCIL,  
COUNTY HALL, DURHAM, DH1 5UL  
(insert name and address and telephone number of personal licence issuing authority, if any)

Andrew Spenceley signed  
ANDREW SPENCELEY name (please print)  
14/02/2012 dated

## **APPENDIX 4 – REPRESENTATION**

Greenways Residents Association



Together we can make a difference

Mr.G.W.Darkes,  
32, Grasmere,  
Greenways,  
Spennymoor.  
Co. Durham.  
DL16 6TX

DURHAM COUNTY

26 FEB 2012

LICENSING

26<sup>th</sup>.February 2012.

Dear Sir / Madam,

Premises Licence Application for 41, Mayfields, Greenways Estate, Spennymoor.  
( as per the notice in the Spennymoor News dated 25<sup>th</sup>. February 2012 ).

My name is Geoff Darkes, I am the secretary of the Greenways Residents Association which represents the 1,096 homes on the Greenways estate, Spennymoor. Please note I have been contacted by a number of residents living in the immediate vicinity of Mayfields and also other areas of our estate, reference the above incredulous licence application.

On behalf of those residents and myself I wish to object in the strongest possible terms to the above application. No. 41, Mayfields is a residential property, in a residential cul de sac on a residential housing estate. The increase in traffic, delivery and collection, into the cul de sac in the hours from 09:00 in the morning until 8:00pm in the evening 7 days a week defies comprehension from a Health and Safety point of view, especially related to children's safety?

Spennymoor is fortunate to have a business park at Enterprise City and a retail centre regrettably with some empty premises available for rent. Either of these is the correct location for a wine retail operation, or perhaps the new Durham Gate development, but not in a cul de sac on a residential housing estate, what a precedent this would create on our estate.

Having explained above the very obvious personal concerns related to the licence application expressed by some Greenways residents, I would like to draw your attention to the 3 other attachments marked 1A, 1B and 2 which are also included with this letter. The marked attachments are photostat copies of specific pages from the deeds of two different houses on the Greenways estate. You will notice I have underlined specific sentences which state "**Joint and Several COVENANT by Purchasers not to use or allow to be used the property thereby conveyed for any offensive trade or business or use the same or any part thereof for the manufacture sale or storing of any combustible matter or for the sale of beer or spirits**", Paragraph 5. on attachment 1B specifically quotes "**beers wines spirits or other intoxicating liquor**".

I look forward to hearing from you in due course with what we expect to be a straightforward decision reference the above application.

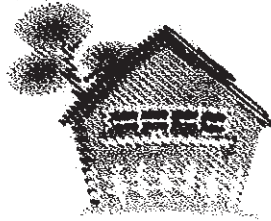
**Geoff Darkes** (Greenways Residents Association Secretary).

Licensing Section,  
Durham County Council,  
Council Offices,  
Spennymoor.  
DL16 6JQ

cc: Durham County Councillor Barbara Graham  
Durham County Councillor Ben Ord.  
Durham County Councillor Kevin Thompson  
Spennymoor Town Clerk Pauline Waterson



Greenways Residents Association



Together we can make a difference

Mr. G. W. Darkes,  
32, Grasmere,  
Greenways,  
Spennymoor.  
Co. Durham.  
DL16 6TX

5<sup>th</sup>. March 2012.

Dear Ms. Raine,

Premises Licence Application for 41, Mayfields, Greenways Estate, Spennymoor.  
(as per the notice in the Spennynews dated 25<sup>th</sup>. February 2012).

Firstly thank you for your email on the above subject dated 01 March 2012 in reply to my earlier two emails dated the 26<sup>th</sup>. and 29<sup>th</sup>. February 2012 respectively.

I find your email most informative for future use, related to The Licensing Act 2003 and the four "relevant representations" you are allowed to consider when determining a licence application. However, I do not believe this application can even reach the stage where you are allowed to consider the application.

You are aware that a **legal** covenant exists on the Official Register of Title in the name of the current owners Mr. K. Spenceley and Mrs. K. Spenceley for the above property, which prohibits 41, Mayfields being used "**for the sale of beer or spirits**".

I would therefore expect that the legal covenant precludes you and your department from being able to even consider the application. The application is invalid because it is in breach of the legal covenant on this residential property title register. I fail to see how you can ignore a legal covenant that you know exists?

If my logic is flawed please explain how, but legal documents that are known to exist just cannot be ignored, they are part of the law of our land.

I look forward to hearing from you.

Yours sincerely,

Geoff Darkes  
(Greenways Residents Association - Secretary).

Licensing Section,  
Durham County Council,  
Council Offices,  
Spennymoor.  
DL16 6JQ

cc: Durham County Councillor Barbara Graham.  
Durham County Councillor Kevin Thompson.  
Durham County Councillor Ben Ord.

## **APPENDIX 5 – APPLICANTS' RESPONSE TO REPRESENTATION**



Yvonne Raine  
Acting Licensing Team leader  
Durham County Council  
Environment, health & Consumer Protection  
Council Offices  
Green Lane  
Spennymoor  
County Durham  
DL16 6JQ

25<sup>th</sup> March 2012

**Ref: Representation Made By Mr G Drakes (Greenways Residents Association) RE: Premises License Application - 41 Mayfields, Greenways Estate, Spennymoor, County Durham, DL16 6RW**

Thank you for passing on the representation from the Greenways Residents Association. It is clear from the concerns raised that Mr. Darkes is unaware of the scale and nature of the proposed New Oak Wines business and we would greatly welcome an opportunity to discuss the concerns. We would like to make it clear that starting the New Oak Wines mail order/ecommerce business is an attempt to generate some extra income during these difficult financial times to supplement our substantive roles as IT Engineers at Sunderland University (Andrew Spenceley) and Newcastle NHS Foundation Trust (Chris Oates).

The main concern is centred around public safety and we would like to reassure the residents association that we take public safety very seriously and we have put in place stringent policies to control this. We also specifically noted the concern regarding excess amounts of traffic on the estate and we would like to assure the residents association that the increase in traffic will be very minimal.

- Firstly there will be no more than two deliveries per week in a standard sized van similar to the ones that regularly deliver goods from online retailers, supermarkets and catalogues.

- Secondly and most importantly we will not be selling directly to customers from the premises. The Wines and Champagnes are available by mail order only either via the internet or from catalogues where only a PO Box address will be advertised. Customers will not be accepted directly at the premises which is a key part of our operating schedule within our premises license application.

- Deliveries to our customers will be made initially by taking the packaged wines to the local post office on our way to work. We project that we will be selling 4-6 bottles of wine per week for the first 3 months, admittedly if this grows we may need to make a car journey to the local royal mail depot a couple of times per week but at this point we would look to move into commercial premises as soon as possible.

- As for the concerns regarding the operating times of the business stated in the application, these are the licensable hours which are not necessarily the opening hours of the business. As mentioned previously this is not a full time business on our part and we would generally only be open to take orders between the hours of 9-5 Monday to Saturday, however part of the process of a mail order business is packing wine etc which is a licensable activity. Therefore we need to have the licensable hours listed so we can operate the business outside of our normal full time day jobs without breaking the Licensing Act 2003.

We fully take on board the point regarding the properties available on the business park and in the town centre and this is an option that we hope to be able to take advantage of as soon as the business grows to a level that makes this cost effective and financially viable for the future.

We are sensitive to issues that may effect the local community and we understand concerns around the emotive issues of alcohol licensing however we would like to assure the Greenway Residents Association that the impact on the area would be so minimal that it will hardly be noticed. We greatly hope to produce a thriving business that can assist the local economy but we need to start somewhere with a minimal cost base.

New Oak Wines have taken legal advice on the issues of covenant. On a point of law, a covenant should not prevent the issuing of a license as the covenant is a contract between the builders of the property (The Grantor) and the current land owner. However we fully appreciate and accept that the relevant covenant must be removed before we can begin to sell wines and champagnes from the property.

We would therefore welcome the opportunity of a remediation meeting with Mr Darkes to discuss his apprehensions and to see if there are still concerns once we have described the business model and scale of the operation.

Kind Regards,

*A. Spenceley*

Andrew Spenceley  
Partner  
New Oak Wines

*C. Oates*

Chris Oates  
Partner  
New Oak Wines

## **APPENDIX 6 – CORRESPONDENCE FROM PLANNING**

## Yvonne Raine

---

**From:** David Walker  
**Sent:** 21 February 2012 15:26  
**To:** Yvonne Raine  
**Subject:** Proposed new premises licence 41 Mayfields - planning response  
**Attachments:** F023770.DOC

Yvonne,

Further to your recent e-mail regarding the above matter.

Application Type - Application for a New Premises Licence (sale of alcohol off sales - delivery only)

Applicant: - New Oak Wines, 41 Mayfields, Greenways Estate, Spennymoor. DL16 6RW

Premises - New Oak Wines, 41 Mayfields, Greenways Estate, Spennymoor. DL16 6RW

Date of Application - 16 February 2012      Last date for representations - 15 March 2012

Please find attached this Department's comments previously forwarded to the applicant.

Provided the criteria cited in the attached letter are complied with this Division is of the opinion that the proposal would not constitute a Change of Use and, as such, this Division would not object to the requested licence.

Regards

David

## **APPENDIX 7 – STATEMENT OF LICENSING POLICY**

## **APPENDIX 7**

### **6.0 Public Safety**

6.1 The Act covers a wide range of premises that require Licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants.

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

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

### **8.0 Protection of Children from Harm**

8.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm.

8.2 The Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:

- at any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
- between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises
- the Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.



8.3 The Licensing Authority may consider the following when dealing with a Licence application where children may have limited access:

- Limitations on the hours when children may be present.
- Limitations on under 18s
- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult to be present.
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature).
- Limitations on the parts of premises to which children might be given access.
- Any other limitations appropriate to the application and according with the four Licensing Objectives.

8.4 The Licensing Authority will work closely with the Police and the Council's Trading Standards Service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17 year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25

Events which are aimed at children under the age of 18 years on licensed premises will not be looked on favourably by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

8.5 Recorded staff training programmes, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales.

8.6 The Licensing Authority commends the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.

### ***Access to Cinemas***

8.7 In the case of premises which are used for film exhibitions, applicants should include in the Operating Schedule arrangements for restricting access only to those children who meet the required age limit, in line with any

certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

8.8 The Act provides that it is mandatory for Licensing Authorities to include a condition in all Premises Licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Licensing Authority itself.

8.9 Should the Licensing Authority need to adopt its own system of film classification the information regarding such classifications will be published on the Local Authority's website.

### ***Children and Public Entertainment***

8.10 Many children go to see and / or take part in an entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises.

8.11 Where entertainment requiring a Licence is specifically presented for children, the Licensing Authority will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The Council will require those caring for or supervising children to have undergone an appropriate Criminal Record check with the Criminal Records Bureau.

8.12 With regard to this Licensing Objective, the Licensing Authority considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified as a result of premises, personal applications and all variations to licences are covered by this protocol.

8.13 Applicants are advised to seek advice from the Local Safeguarding Children Board and incorporate any recommendations in their Operating Schedule before submitting their applications.

Statutory Licensing Sub-Committee

16th April 2012

Application for the Review of a Premises Licence



Report of Terry Collins, Corporate Director, Neighbourhood Services

Pizza Place, 1A Fore Bondgate, Bishop Auckland. DL14 7PF

1. Summary

The Sub-Committee is asked to consider and determine an application by Durham Constabulary to review the premises licence in respect of the above premises currently licensed for the provision of late night refreshment as detailed in the table below:

Licensable Activity	Timings
The Provision of Late Night Refreshment	Mon – Wed 2300 – 0300
	Thur - Sun 2300 – 0430
	Christmas Eve & New Years Eve: 2300 – 0430
Opening times of the premises	Mon – Wed 1700 – 0300
	Thur - Sun 1700 – 0430
	Christmas Eve & New Years Eve: 1700 – 0430

A copy of the licence is attached at Appendix 1. Plans showing the location of the premises are attached at Appendix 2.

## **2. Details of the Application**

The application is for a review of the premises licence (WV/PRE0240/05) currently held by Mr Hemin Hussian in respect of Pizza Place, Bishop Auckland.

On 22nd February 2012 the Licensing Authority received an application from Durham Constabulary, asking the Authority to consider a review of the premises licence to address their concerns relating to the prevention of crime and disorder objective.

Mr. Hussian has been the licence holder at the premises since 8th March 2012, following a recent application to transfer the premises licence for Pizza Place.

At the time Durham Constabulary submitted their review application, the premises licence holder was a Mr. Abdullah Ali Sharif, who was the premises licence holder from 6th April 2010 until 7th March 2012.

The application is deemed by the Licensing Authority to be relevant.

This application for a review relates to the following licensing objective:

- The prevention of crime and disorder

A copy of the application for the review of the premises licence and supporting documents are attached at Appendix 3.

The application for review was advertised in accordance with the regulations.

## **3. Representations**

Within the statutory period no representations were forthcoming from the Responsible Authorities or any interested parties.

## **4. The Parties**

The Parties to the hearing will be:

- Durham Constabulary, the applicant
- Mr. Hemin Hussian, the licence holder

## **5. Durham County Council Statement of Licensing Policy**

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

- 5.0 The Prevention of Crime and Disorder
- 19.0 Reviews

Relevant information is attached at Appendix 4.

## **6. Section 182 Guidance**

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

- Part 11.

Relevant information is attached at Appendix 5.

## **7. For Decision**

The Sub-Committee is asked to determine the application for the review of the premises licence and to take any of the following steps that it considers necessary for the promotion of the licensing objectives:

- No further action
- Modify or add conditions to the licence
- Suspend the licence for a period (not exceeding three months)
- Revoke the licence

**Electoral Division(s):**

**Background Papers:**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003.

---

<b>Contact:</b>	<b>Yvonne Raine</b>	<b>Tel: 01388 824364</b>
		<b>E-mail: <a href="mailto:yvonne.raine@durham.gov.uk">yvonne.raine@durham.gov.uk</a></b>

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## **APPENDIX 1 – PREMISES LICENCE**



## LICENSING ACT 2003 PREMISES LICENCE

<b>Premises Licence Number</b>	<b>WV/PRE0240/05</b>
<b>Granted</b>	<b>8 MARCH 2012</b>
<b>Issued</b>	<b>23 MARCH 2012</b>

### Part 1 – Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	<b>Issuing Authority</b>
<b>PIZZA PLACE</b> 1A FORE BONDGATE	<b>DURHAM COUNTY COUNCIL</b> <b>GREEN LANE</b> <b>SPENNYMOOR</b> <b>DL16 6JQ</b> <b>TEL: 01388 816166</b>
<b>Post town: BISHOP AUCKLAND</b>	<b>Postcode: DL14 7PF</b>
<b>Telephone number: 01388 604499</b>	

<b>Where the licence is time limited the dates</b> Not applicable
--

<b>Licensable activities authorised by this licence</b>  Late Night Refreshment
---

<b>The opening hours of the premises (all times in 24hr format)</b>		
Monday	1700 – 0300	<b>Non standard/seasonal timings:</b>  Christmas Eve and New Years Eve: 1700 – 0430 hrs.
Tuesday	1700 – 0300	
Wednesday	1700 – 0300	
Thursday	1700 – 0430	
Friday	1700 – 0430	
Saturday	1700 – 0430	
Sunday	1700 – 0430	

<b>Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales</b> N/A
--



**The times the licence authorises the carrying out of licensable activities (all in 24hr format)**

**Late Night Refreshment**

Indoors only

Monday	1700 – 0300	Further details:
Tuesday	1700 – 0300	
Wednesday	1700 – 0300	Non standard/seasonal timings: Christmas Eve and New Years Eve: 1700 – 0430 hrs.
Thursday	1700 – 0430	
Friday	1700 – 0430	
Saturday	1700 – 0430	
Sunday	1700 – 0430	

**Part 2**

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

Hemin Hussian	1A Fore Bondgate Bishop Auckland Co. Durham DL14 7PF  Tel: 01388 604499
---------------	--

**Registered number of holder, for example company number, charity number (where applicable)**

Company no: N/A  
Charity no: N/A

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

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

**Annex 1 – Mandatory conditions**

None

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

**A. General**

1. The Council's proper officer accompanied by any such other personas he deems necessary, or a police officer, shall at all times have access to the licensed premises for the purposes of ensuring compliance with the conditions of the licence.



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

1. The Licensee, that is the person in whose name the Premises Licence is issued, must ensure that at all times when the premises are open for any licensable activity, there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the term and conditions of the licence and for preventing crime and disorder.
2. A CCTV system must be designed, installed and maintained in proper working order to provide continuous recording facilities for each camera to a good standard of clarity.

**C. Public Safety**

1. Fire fighting equipment must be provided in the licensed premises in accordance with the risk assessment with staff suitably trained as necessary.

**D. The Prevention of Public Nuisance**

1. When food for consumption off the premises is sold, adequate waste receptacles for use by patrons will be provided in the local vicinity.
2. Noxious and smells from licensed premises shall not emanate from the licensed premises so as to cause nuisance to the residents of nearby properties by the provision of suitable and adequate means of extraction/ventilation

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

None

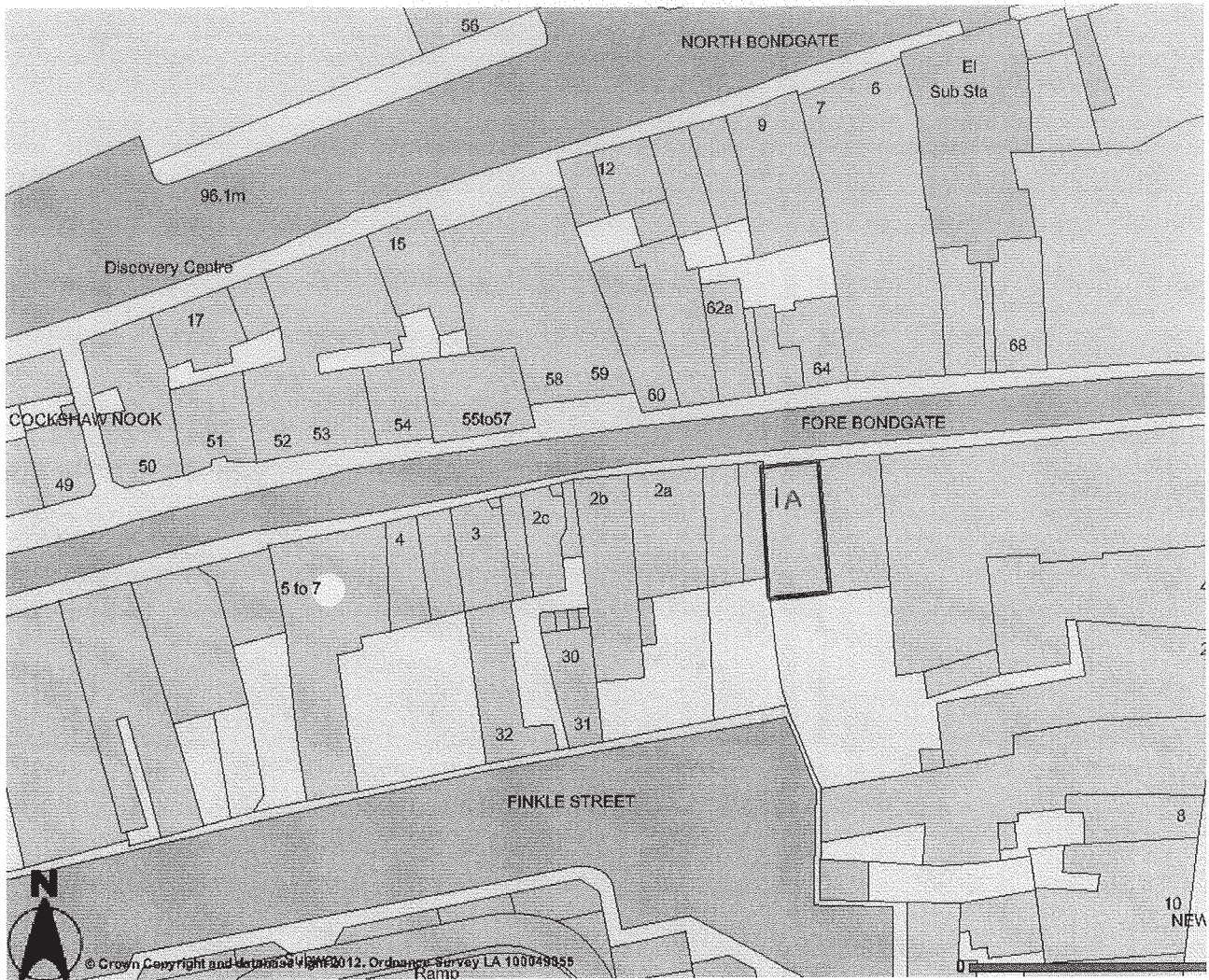
**Annex 4 – Plans**

Attached



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

## APPENDIX 2 – PLANS

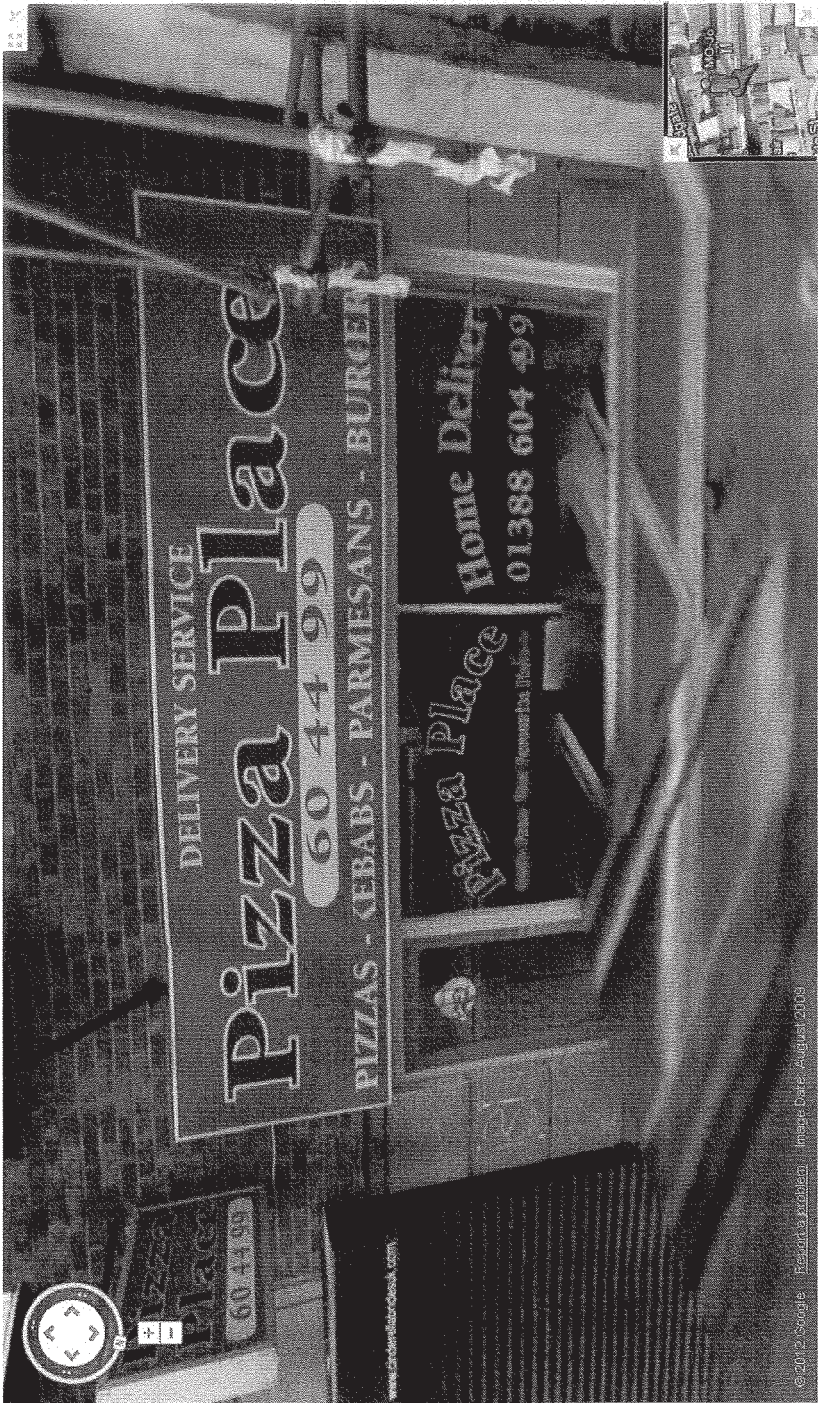






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To see all the details that are visible on the screen, use the Print link next to the map.



## **APPENDIX 3 – REVIEW APPLICATION**

**Application for the review of a premises licence or club  
premises certificate 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 Mr T J Stoddart, Chief Constable of Durham

(Insert name of applicant)

DURHAM COUNTY

22 FEB 2012

**apply for the review of a premises licence under section 51 Licensing Act 2003**

**for the premises described in Part 1 below (delete as applicable)**

LICENSING

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Pizza Place 1A Fore Bondgate	
<b>Post town</b> Bishop Auckland	<b>Post code (if known)</b> DL14 7PF

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Abdullah Ali Sharif
--

<b>Number of premises licence or club premises certificate (if known)</b> WV/PRE0240/05
--

**Part 2 - Applicant details**

I am

**Please tick yes**

1) an interested party (please complete (A) or (B) below)

- |   |                          |
|---|--------------------------|
| a) a person living in the vicinity of the premises                                  | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises               | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises                    | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

2) a responsible authority (please complete (C) below) ☒

- 3) a member of the club to which this application relates (please complete (A) ☐ below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title  
(for example, Rev)

Surname

First names

Please tick yes

☐

I am 18 years old or over

Current postal  
address if  
different from  
premises  
address

Post town

Post Code

Daytime contact telephone number

E-mail address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)



## (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mr T J Stoddart Chief Constable of Durham Durham Constabulary Police Headquarters Aykley Heads Durham DH1 5TT
Telephone number (if any) 0345 6060365
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

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

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

**Please state the ground(s) for review** (please read guidance note 1)  
See attached Grounds



**Please provide as much information as possible to support the application**  
(please read guidance note 2)

See attached Grounds

**Please tick yes**

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day

Month

Year

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



Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

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

Signature



Date

20/2/12

Capacity ☒ Inspector

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Sgt. 277 Timothy Kelly  
Licensing Unit  
Darlington Police Station  
St Cuthberts Way

**Post town**

Darlington

**Post Code**

DL15 5LB

**Telephone number (if any)** 03456060365 ext 671 2281

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. The ground(s) for review 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 review if available.
3. The application form must be signed.
4. An applicant'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 application.

## GROUND FOR REVIEW

1. The Applicant is seeking a review of the premises licence for Pizza Place of 1A Fore Bondgate, Bishop Auckland, DL14 7PF as it is a necessary course of action to address concerns relating to the prevention of crime and disorder objective.
2. The Premises Licence Holder is Mr Abdullah Ali Sharif.
3. During the early hours of the 13<sup>th</sup> November 2011, two males (one of whom was the alleged victim) entered the premises and ordered food. Shortly afterwards two further males (the alleged assailants) arrived and also entered the premises. One of the assailants punched the victim who then tried to restrain him. As he was doing this the second assailant kicked the victim in the head and reportedly stamped on his face. When witnesses intervened the two assailants left the premises. The victim suffered a broken nose, swelling to the jaw and bruising to his left eye.
4. After this attack the staff at the premises failed to call the Police or the Ambulance Service, only offering the victim a free replacement pizza to cover the one that had been knocked to the floor.
5. DC Klein and DC Downing, investigating the assault, attended the premises on the evening of the 13<sup>th</sup> November 2011. They found no customers present but a number of staff members working, including a female staff member they believed was working during the incident. They reported that no one would identify themselves as being in charge of the premises and staff were reluctant to speak to them, initially saying the assault had taken place outside rather than inside the premises and also telling them to return later as they were busy. The Officers insisted they needed to investigate this serious matter and would not leave the premises. Eventually they were given the name and address of the staff member they were told had witnessed the incidents. The officers have tried to ring this staff member but she has not returned their calls or provided any evidence in the case.
6. Whilst at the premises on the 13<sup>th</sup> November 2011 the officers found CCTV was not even installed, despite the premises being subject to a

condition requiring it to install and maintain in proper working order a CCTV system.

7. On the 11<sup>th</sup> February 2012 Licensing Enforcement Officers found there premises still had no CCTV in operation and also was not displaying the premises licence as required. This has clearly been the position for some time now as an earlier visit by Licensing Officer John Ingham and Sgt Hancock, on the 16<sup>th</sup> September 2011, found the staff were, at that time, unable to produce the premises licence and also neither officer could recall seeing any CCTV system.
8. The Licensing Authority must take the action necessary to secure and promote the licensing objective.
9. The Applicant would urge the Authority to take strong action to address the poor management of Pizza Place, such as suspension of the licence for a period the Authority sees fit.
10. In addition the Applicant would seek the removal of the current CCTV condition in Annex 2 part B number 2 to the Licence and replace it with the following:
  1. The Premises Licence Holder shall ensure that a digital CCTV system is installed in the premises to the satisfaction of Durham Constabulary and in respect of which the following conditions shall apply
    - 1.1 It must be of such a quality that individuals are readily identifiable from recordings made.
    - 1.2 It must cover all public entrances, points of sale and display and other areas to which the public, paying members and guests have admission with particular regard to those areas which may not be visible from the serving area
    - 1.3 It must be operated by properly trained staff.
    - 1.4 It must be in operation at all times that the premises are being used for licensable activities.
    - 1.5 Recordings must be kept secure where they cannot be tampered with and retained for a period of no less than thirty (30) days or such other period as shall be specified by Durham Constabulary.

Recordings must be available on request to the Licensing Authority and/or Durham Constabulary or other responsible authority as defined in the Licensing Act

# APPLICATION FOR REVIEW OF PREMISES LICENCE

## PIZZA PLACE

### INDEX TO POLICE BUNDLE OF EVIDENCE

<u>No</u>	<u>Details</u>	<u>Page No</u>
1.	Copy Premises Licence	1 to 6
2.	Statement of Sgt Kelly dated 1/2/2012	7 to 8
3.	Copy Incident Logs	9 to 19
4.	Copy warning letter	20

**DURHAM COUNTY COUNCIL**ENVIRONMENT, HEALTH & CONSUMER PROTECTION,  
CIVIC CENTRE, CROOK, CO. DURHAM. DL15 9ES

TEL. 01388 765555 FAX. 01388 766660 MINICOM 01388 761515

**PREMISES LICENCE****THE LICENSING ACT 2003****PREMISES LICENCE NUMBER**  
WV/PRE0240/05**PART 1 - PREMISES DETAILS****Postal address of premises, or if none, ordnance survey map reference or description**Pizza Place,  
1A Fore Bondgate

<b>Post town</b>	Bishop Auckland	<b>Post code</b>	DL14 7PF
<b>Telephone number</b>	01388 604499		

**Where the licence is time limited the dates**

Not applicable



**Licensable activities authorised by the licence**

The provision of late night refreshment for consumption off the premises

**The times the licence authorises the carrying out of licensable activities**

17:00 hrs. – 03:00 hrs. Monday to Wednesday inclusive

17:00 hrs. – 04:30 hrs. Thursday to Sunday inclusive

Christmas Eve and New Years Eve: 17:00 hrs. – 04:30 hrs.

**The opening hours of the premises**

17:00 hrs. – 03:00 hrs. Monday to Wednesday inclusive

17:00 hrs. – 04:30 hrs. Thursday to Sunday inclusive

Christmas Eve and New Years Eve: 17:00 hrs. – 04:30 hrs.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Not applicable

**PART 2**

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

Abdullah Ali Sharif  
1A Fore Bondgate, Bishop Auckland, Co. Durham. DL14 7PF

Tel. 01388 604499

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Not applicable

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

Not applicable

Date Granted: 6th April 2010  
(Transfer Date)

Date Varied: 21st April 2010

Date of Issue: 21st April 2010

Signed



Head of Environment, Health & Consumer Protection

## ANNEX 1 – MANDATORY CONDITIONS

None

## **ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

### **A. General**

1. The Council's proper officer accompanied by any such other person as he deems necessary, or a police officer, shall at all times have access to the licensed premises for the purposes of ensuring compliance with the conditions of the licence.

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

1. The Licensee, that is the person in whose name the Premises Licence is issued, must ensure that at all times when the premises are open for any licensable activity, there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the term and conditions of the licence and for preventing crime and disorder.
2. A CCTV system must be designed, installed and maintained in proper working order to provide continuous recording facilities for each camera to a good standard of clarity.

### **C. Public Safety**

1. Fire fighting equipment must be provided in the licensed premises in accordance with the risk assessment with staff suitably trained as necessary.

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

1. When food for consumption off the premises is sold, adequate waste receptacles for use by patrons will be provided in the local vicinity.
2. Noxious and smells from licensed premises shall not emanate from the licensed premises so as to cause nuisance to the residents of nearby properties by the provision of suitable and adequate means of extraction/ventilation.

**ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING  
AUTHORITY**

Not applicable

## Witness Statement

(CJ Act 1967, s.9 MC Act 1980, ss 5A (3)(a) and 5B, MC Rules 1981, r70)

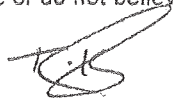
Statement of **Timothy Kelly**

Age if under **Over18** (if over 18 insert 'over 18').

Occupation: **Police Officer 277**

This statement (consisting of 1 page each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:



Date: - Wednesday 1<sup>st</sup> February 2012

I am the above named officer a Police Sergeant in Durham constabulary currently stationed at Darlington Police Office in the capacity of Licensing Sergeant. My area of responsibility includes Bishop Auckland.

On 7<sup>th</sup> April 2010 the Police received notification of an application to transfer the Premise Licence for Pizza Place 1(A) Fore Bondgate, Bishop Auckland to a Mr Abdullah Ali Sharif. The Police made no objections to the application and notified the Local Authority of the fact on the same date.

Pizza Place is a late night refreshment establishment offering hot food and drink from 1700 hours to 0300hrs Monday to Wednesday and 1700hrs Thursday to Sunday, Christmas Eve and New Years Eve.

The Local Authority issued a new premise licence to Mr Sharif on 21<sup>st</sup> April 2010. This licence included a carried over condition under the Crime and Disorder Objective relating to CCTV as follows:

**A CCTV system must be designed, installed and maintained in proper working order to provide continuous recording facilities for each camera to a good standard of clarity.**

A check of Police Licensing records shows that at 2145 hrs on Friday 16<sup>th</sup> September 2011, the premise was visited by Sgt Hancock of the local Community Beat Team, and John Ingham Licensing Officer of the Local Authority. This was not a pre planned inspection and as such the full conditions of the licence were not known. Staff were unable to produce the full premise licence to attending officers (a requirement under the Licensing Act), this licence would have detailed all conditions including the need for a CCTV system. Neither attending officer recall seeing any CCTV system at the time of the visit.

Since Mr Sharif has taken over as the Premise Licence Holder there have been a total of 5 incidents of violence or disorder linked to the premises, all of these incidents have occurred between 0100hrs and 0407hrs. The majority of these incidents have been reported by staff at the premise to Police, the last 2 incidents however were not reported to the Police.

It is the last of these incidents which causes extreme concern as to the poor management of the premises and the undermining of the Crime and Disorder objective of the Licensing Act 2003. This incident was of serious Public Disorder and Violence for which 2 males at the time of writing this report remain on Crown Court bail facing charges of Assault Occasioning Actual Bodily Harm.

The brief circumstances are that during the early hours of Sunday 13<sup>th</sup> November a male and his friends entered Pizza Place and ordered food. There had been a previous verbal altercation involving one of these males and two other males who then saw him inside the premise. These males then tried to entice the male outside for a short time which he refused to do.

The 2 males then entered the shop and, when the male had received a pizza, one of them knocked the pizza from his hand, headbutted him to the face and punched him to the head. The injured party was able to push the assailant who slipped on the floor. As the injured party tried to restrain him the second male kicked him to the head and witnesses state, stamped on his face.

Signature:



PROTECT

Signature witnessed by:

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P.T.O.



Continuation of Statement / Interview of: **Timothy Kelly**

Page No.: 2

This vicious assault took place inside the shop in the presence of staff, one of whom was described as a white female by witnesses. Upon the intervention of witnesses the 2 assailants made off from the scene. Staff failed either to call for the Police or for an ambulance for the injured male who was disoriented from the assault and who suffered a broken nose, swelling to the jaw and bruising to his left eye. Indeed the only intervention made by staff was to offer the male a free replacement pizza for that which had been knocked to the floor.

Due to the serious nature of the assault and the severity of the injuries sustained DC Klein and DC Downing were tasked with carrying out the investigation into the offence. On contacting the Licensing Unit they were advised that it was a licensing condition that the premise operate CCTV.

The investigating officers duly visited the premise on the evening of Sunday 13<sup>th</sup> November having arrested one suspect. The premise was devoid of customers but a number of staff were present including a white female they believed had been present at the time of the assault.

The officers established on arrival that the premise did not have any CCTV installed in contravention of its premise licence. Staff were very reluctant to speak to them, telling them to return later as they were busy. The officers state they were also told initially that the assault had taken place outside the shop and not inside.

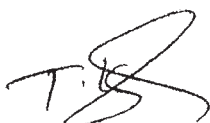
The officers advised me that they were extremely frustrated with the lack of co-operation and misinformation they encountered at the premise and had to forcefully assert that they were investigating a serious offence and would not leave the premise until they obtained the information they required. No one present identified themselves to the officers as being in charge. It was only when it was clear that the officers would not leave and after a number of requests that they were able to obtain details of the female staff member, who had witnessed the incident. Significantly this witness has failed to return messages or calls and has not provided any evidence in relation to this assault.

It is of major concern that the premise did not have a CCTV system in place as per the requirement of its Premise Licence. Such a system may have prevented this assault from occurring in the first instance, and if not would have greatly speeded up and enhanced the investigation into the perpetrators.

Of equal concern is the appalling lack of support, indeed a degree of misinformation given to the Police by staff at the premise and also to the seriously injured person at the time of this incident. Such misconduct in the view of the Police necessitates strong action from members of the Licensing Committee to ensure the situation does not recur.



Signature:



PROTECT

Signature witnessed by:

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ISR Report

## DURHAM CONSTABULARY RESTRICTED

ISR Report:

DHM-12112011-0053 (Closed)

12/11/2011 01:40:50	103, VIOLENCE AGAINST THE PERSON	DHM-12112011-0053 / DHM		DURHAM
Priority:(3) Scheduled	CLOSED	A1	Officer Dealing:01710	
Operator:06455	Dispatcher:07144	A1D (421116,530099)	Creator Wkstr:SJ_P_23	

## Address Information

MARKET PL

MARKET PL, , BISHOP AUCKLAND,

Proximity:

[X] Gazeteer  
Validation

## Disposition Codes

CRIME RELATED INC.

## Complainant Information

[N] Media Consent [N] Visit Reqd.

EVENT CODE - MOPI 3

Notes:

## Date / Time Information

Call Received	12/11/2011	01:40:50
Incident Created	12/11/2011	01:40:50
Address Validated	12/11/2011	01:41:15
Initial Input complete	12/11/2011	01:41:39
Transfer Accepted	12/11/2011	06:00:44
Dispatched	12/11/2011	02:16:39
At Scene	12/11/2011	02:25:30
Units Cleared	12/11/2011	12:06:28
Disposed	12/11/2011	15:16:07

## Qualifiers

DISPOSAL QUALIFIERS

NO QUALIFIERS

THEME

CRIME RELATED

## Unit Activity

A06U	12/11/2011	02:16:39	02125		En-Route
	MARKET PL, MARKET PL, , BISHOP AUCKLAND				
A06U	12/11/2011	02:25:30	02125		At Scene
	2101704				
A06U	12/11/2011	03:58:38	02125		Available
A65V	12/11/2011	09:24:52	01710		En-Route
	MARKET PL, MARKET PL, , BISHOP AUCKLAND				
A65V	12/11/2011	09:32:17	01710		At Scene
	2101758				
A65V	12/11/2011	11:40:28	01710		At Scene
	MARKET PL, MARKET PL, , BISHOP AUCKLAND				
A65V	12/11/2011	12:06:28	01710		Available
	2101758				



<b>ISR Relations</b>				
SYSTEM GENERATED CRIME NO - ISR RELATION		ADDED SA1102947 BY SLEUTH CRIME INTERFACE USER SLCRM		
PERSONS - ARRESTED		[REDACTED] (Date of Birth : [REDACTED])		
PERSONS - VICTIM		[REDACTED] (Date of Birth : [REDACTED])		
<b>ISR Comments</b>				
QUESTION SET HAS BEEN EXITED BEFORE COMPLETION	12/11/2011	01:41:43	SJ_P_23	06455
[REDACTED] has been attacked by 2 person whilst in SA market place.	12/11/2011	01:43:49	SJ_P_23	06455
he is now back at his home address to be seen by officers.	12/11/2011	01:44:02	SJ_P_23	06455
does not require ambulance.	12/11/2011	01:44:10	SJ_P_23	06455
Relation Type:VICTIM Last Name [REDACTED] First Name (s) [REDACTED] 1.H/A-Street,Town / 2.Alt.Add.: [REDACTED] Sex:M	12/11/2011	01:44:38	SJ_P_23	06455
disp aware,	12/11/2011	01:44:44	SJ_P_23	06455
no response available at this time at SA - TBA next available resource	12/11/2011	01:46:29	CH_P_14	07144
From PC 2125 - Attended & spoken to the ip who states at this time he is quite intoxicated & cannot confirm exactly what has gone on.	12/11/2011	03:56:43	SA_P_13	06452
IP not sure if he wishes to make a complaint.	12/11/2011	03:56:56	SA_P_13	06452
Ip has been asked to recontact should he wishes to make a complaint.	12/11/2011	03:57:19	SA_P_13	06452
IP was spoken to in front of his step mother [REDACTED]	12/11/2011	03:58:56	SA_P_13	06452
ip to be recontacted	12/11/2011	03:59:18	SA_P_13	06452
STATUS CHANGED MANUALLY Cleared->Further Actions Required FURTHER ENQUIRIES REQUIRED	12/11/2011	06:49:47	SA_P_12	07125
from1710 - this is a confirmed assault, to be crimed as ABH or section 20. IP has been taken to hospital re a possible broken jaw.	12/11/2011	15:05:18	SA_P_12	07125
Further enqs by 1710, and cctv to be checked. Clothing from Ip has also been seized and placed in ERP.	12/11/2011	15:06:33	SA_P_12	07125
Disposition code: '103','02'	12/11/2011	15:09:07	SA_P_12	07125
# Arrests 0 # Cautions 0 # Reports 0	12/11/2011	15:09:07	SA_P_12	07125
OIC / Handling Officer 01710	12/11/2011	15:09:08	SA_P_12	07125
Qualifiers,NO QUALIFIERS	12/11/2011	15:09:08	SA_P_12	07125
DHM-12112011-0053 HAS BEEN DISPOSED	12/11/2011	15:09:08	SA_P_12	07125
FOLLOW UP:1710 arrest details:	12/11/2011	15:14:43	SA_P_13	07300
Relation Type:ARRESTED Last Name [REDACTED] First Name (s) [REDACTED] Date of Birth: [REDACTED] 1.H/A-Street,Town / 2.Alt.Add.: [REDACTED] Sex:M	12/11/2011	15:15:23	SA_P_13	07300
above person arrested, section 18 search was conducted on the home address.	12/11/2011	15:15:49	SA_P_13	07300
# Changed - Previous Value(s) of # # Arrests: 0 # Cautions: 0 # Reports: 0	12/11/2011	15:16:06	SA_P_13	07300
Disposition code: '199','03'	12/11/2011	15:16:07	SA_P_13	07300
# Arrests 1 # Cautions 0 # Reports 0	12/11/2011	15:16:07	SA_P_13	07300
OIC / Handling Officer 01710	12/11/2011	15:16:07	SA_P_13	07300
Qualifiers,NO QUALIFIERS	12/11/2011	15:16:07	SA_P_13	07300
DHM-12112011-0053 HAS BEEN DISPOSED	12/11/2011	15:16:07	SA_P_13	07300

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ISR Report

## DURHAM CONSTABULARY RESTRICTED

ISR Report:

DHM-02092011-0034 (Closed)

02/09/2011 02:41:45	100, PUBLIC ORDER	DHM-02092011-0034 / DHM	999	DURHAM
Priority:(1) Immediate	TO BE CLOSED	A1	Officer Dealing:01242	
Operator:06814	Dispatcher:06767	A1D (421044,530069)	Creator Wkstn:CH_P_38	

**Address Information**

PIZZA PLACE, PIZZA PLACE

1A FORE BONDGATE, , BISHOP AUCKLAND, DL147PF

Proximity:

☒ Gazeteer  
Validation**Disposition Codes**

ASB-NUISANCE

**Complainant Information**

[REDACTED] CLI: [REDACTED]

OTHER SOURCE [N] Media Consent [N] Visit Req'd.

EVENT CODE - MOPI 4

Notes:

**Date / Time Information**

Call Received	02/09/2011	02:41:45
Incident Created	02/09/2011	02:41:45
Address Validated	02/09/2011	02:41:49
Initial Input complete	02/09/2011	02:42:46
Transfer Sent	02/09/2011	02:44:04
Transfer Accepted	02/09/2011	02:47:35
Dispatched	02/09/2011	02:43:47
At Scene	02/09/2011	02:46:35
Units Cleared	02/09/2011	02:55:41
Resulted	02/09/2011	03:11:50
Disposed	02/09/2011	03:11:51

**Qualifiers**

DISPOSAL QUALIFIERS	Alcohol Related
THEME	ANTI SOCIAL

**Unit Activity**

A61U	02/09/2011	02:43:47	01242		En-Route
	PIZZA PLACE, PIZZA PLACE, 1A FORE BONDGATE, , BIS				
A61U	02/09/2011	02:43:49	01242		En-Route
	MESSAGE SENT (#953979) DHM-02092011-0034; 1A FORE BONDGATE,				
A61U	02/09/2011	02:43:49	01242		En-Route
	MESSAGE SENT 01242 CHONG(#953980) DHM-02092011-0034; 1A FORE				
A54U	02/09/2011	02:43:59	02620		En-Route
	PIZZA PLACE, PIZZA PLACE, 1A FORE BONDGATE, , BIS				
A54U	02/09/2011	02:44:00	02620		En-Route
	MESSAGE SENT 02620 WHEATLEY(#953982) DHM-02092011-0034; 1A F				
A54U	02/09/2011	02:44:00	02620		En-Route
	MESSAGE SENT (#953983) DHM-02092011-0034; 1A FORE BONDGATE,				



A04U	02/09/2011	02:44:17	01132		En-Route
	PIZZA PLACE, PIZZA PLACE, 1A FORE BONDGATE, , BIS				
A04U	02/09/2011	02:44:19	01132		En-Route
	MESSAGE SENT (#953985) DHM-02092011-0034; 1A FORE BONDGATE,				
A04U	02/09/2011	02:44:19	01132		En-Route
	MESSAGE SENT 01132 O'HANLON(#953986) DHM-02092011-0034; 1A F				
A56U	02/09/2011	02:44:23	02465		En-Route
	PIZZA PLACE, PIZZA PLACE, 1A FORE BONDGATE, , BIS				
A56U	02/09/2011	02:44:24	02465		En-Route
	MESSAGE SENT 02465 HOPE(#953988) DHM-02092011-0034; 1A FORE				
A56U	02/09/2011	02:44:24	02465		En-Route
	MESSAGE SENT (#953989) DHM-02092011-0034; 1A FORE BONDGATE,				
A54U	02/09/2011	02:46:35	02620		At Scene
	2101776				
A61U	02/09/2011	02:46:50	01242		At Scene
	2100512				
A04U	02/09/2011	02:46:53	01132		At Scene
	2102227				
A56U	02/09/2011	02:48:17	02465		At Scene
	2101792				
A56U	02/09/2011	02:49:50	02465		At Scene
	2101792 TIMER SET TO EXPIRE AT 02/09/2011 03:01:50				
A54U	02/09/2011	02:54:03	02620		Available
	2101776				
A04U	02/09/2011	02:54:31	01132		Available
	2102227				
A61U	02/09/2011	02:54:32	01242		Available
	2100512				
A56U	02/09/2011	02:55:38	02465		At Scene
	2101792 TIMER SET TO EXPIRE AT 02/09/2011 03:07:38				
A56U	02/09/2011	02:55:41	02465		Available
	2101792				

**ISR Relations**

SYSTEM GENERATED CRIME NO - ISR RELATION	OVERDUE
---	---------

PERSONS - CONNECTED TO INCIDENT	(Date of Birth : )
------------------------------------	--------------------

**ISR Comments**

Reports 10 - 15 males fighting inside of above and refusing to leave.	02/09/2011	02:43:29	CH_P_38	06814
They are described as male aged 18 - 21yrs.	02/09/2011	02:43:42	CH_P_38	06814
No weapons seen.	02/09/2011	02:43:48	CH_P_38	06814
Caller is not staff she is a passer by.	02/09/2011	02:45:03	CH_P_38	06814
2620 - spoken to in the premises	02/09/2011	02:53:25	SA_P_12	06767
states there was a disturbance however calm on police arrival and nothing ongoing	02/09/2011	02:53:53	SA_P_12	06767
ROBSON has signed PNB of 2620 confirming does not wish to make any complaints	02/09/2011	02:54:12	SA_P_12	06767
Relation Type:CONNECTED TO INCIDENT Last Name First Name (s) Date of Birth 1.H/A-Street,Town / 2.Alt.Add. Sex:M	02/09/2011	02:54:44	SA_P_12	06767
Disposition code: , '04', '04'	02/09/2011	03:11:51	SUP_P_02	02149

# Arrests 0 # Cautions 0 # Reports 0	02/09/2011	03:11:51	SUP_P_02	02149
OIC / Handling Officer 01242	02/09/2011	03:11:51	SUP_P_02	02149
Qualifiers, Alcohol Related	02/09/2011	03:11:51	SUP_P_02	02149
DHM-02092011-0034 HAS BEEN DISPOSED	02/09/2011	03:11:51	SUP_P_02	02149

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ISR Report

DURHAM CONSTABULARY RESTRICTED

ISR Report:

DHM-20082011-0071 (Closed)

20/08/2011 02:14:16	100, PUBLIC ORDER	DHM-20082011-0071 / DHM	999	DURHAM
Priority:(1) Immediate	PUBLIC ORDER	A1	Officer Dealing:02620	
Operator:07302	Dispatcher:06811	A1D (421044,530069)	Creator Wkstr:CH_P_33	

**Address Information**

PIZZA PLACE, PIZZA PLACE

1A FORE BONDGATE, , BISHOP AUCKLAND, DL147PF

Proximity:INSIDE

☒ Gazeteer  
Validation**Disposition Codes**

ASB-ENVIRONMENTAL

**Complainant Information**

[REDACTED] CLI: [REDACTED]

PIZZA PLACE,1A FORE BONDGATE BISHOP AUCKLAND, DL147PF

OTHER SOURCE [N] Media Consent [N] Visit Req.

Ethnicity: UNKNOWN Sex: F

Notes:

EVENT CODE - MOPI 4

**Date / Time Information**

Call Received	20/08/2011	02:14:16
Incident Created	20/08/2011	02:14:16
Address Validated	20/08/2011	02:14:16
Initial Input complete	20/08/2011	02:14:33
Transfer Sent	20/08/2011	02:17:48
Transfer Accepted	20/08/2011	02:18:30
Dispatched	20/08/2011	02:15:09
At Scene	20/08/2011	02:17:54
Units Cleared	20/08/2011	02:19:49
Disposed	20/08/2011	02:20:19

**Qualifiers**

DISPOSAL QUALIFIERS

Alcohol Related

THEME

ANTI SOCIAL

**ISR Relations**SYSTEM GENERATED CRIME NO - OVERDUE  
ISR RELATION**ISR Comments**

reporting that there is a large group of males inside the shop and they are kicking off.	20/08/2011	02:15:07	CH_P_33	07302
caller states that they have left and they are walking towards of the market place.	20/08/2011	02:15:48	CH_P_33	07302
there were 5-7 males and females and the males were wearing checked shirts.	20/08/2011	02:16:11	CH_P_33	07302
ISR given.	20/08/2011	02:16:38	CH_P_33	07302
caller states that she does not know why they were kicking off as she was out the back.	20/08/2011	02:17:32	CH_P_33	07302
A11PSU - no offences, staff have been spoken to, there has been no fight.	20/08/2011	02:19:31	SA_P_13	06811
	20/08/2011	02:19:45	SA_P_13	06811



CCTV images show several small groups movign away from the area.				
Disposition code: , '405', '04'	20/08/2011	02:20:19	SA_P_13	06811
# Arrests 0 # Cautions 0 # Reports 0	20/08/2011	02:20:19	SA_P_13	06811
OIC / Handling Officer 02620	20/08/2011	02:20:19	SA_P_13	06811
Qualifiers, Alcohol Related	20/08/2011	02:20:19	SA_P_13	06811
DHM-20082011-0071 HAS BEEN DISPOSED	20/08/2011	02:20:19	SA_P_13	06811

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ISR Report

## DURHAM CONSTABULARY RESTRICTED

ISR Report:

DHM-19032011-0055 (Closed)

19/03/2011 01:52:09	433, PUBLIC ORDER	DHM-19032011-0055 / DHM	999	DURHAM
Priority:(1) Immediate	TO CLOSE	A1	Officer Dealing:01823	
Operator:00162	Dispatcher:00855	A1D (421044,530069)	Creator Wkstn:NI_P_07	

**Address Information**

PIZZA PLACE, PIZZA PLACE

1A FORE BONDGATE, , BISHOP AUCKLAND, DL147PF

Proximity:

☒ Gazeteer  
Validation**Disposition Codes**ROWDY OR INCONSIDERATE  
BEHAV**Complainant Information**

[REDACTED] CLI: [REDACTED]

PIZZA PLACE,1A FORE BONDGATE BISHOP AUCKLAND, DL147PF

UNKNOWN CALL SOURCE [N] Media Consent [Y] Visit Reqd.

EVENT CODE - MOPI 4

Notes:

**Date / Time Information**

Initial input	19/03/2011	01:52:09
Held	19/03/2011	01:52:27
Received	19/03/2011	01:52:40
Dispatched	19/03/2011	01:53:03
At Scene	19/03/2011	01:58:23
Cleared	19/03/2011	02:06:57
Resulted	19/03/2011	02:18:44
Disposed	19/03/2011	02:18:47

**Qualifiers**

DISPOSAL QUALIFIERS	NO QUALIFIERS
THEME	ANTI SOCIAL

**ISR Relations**PERSONS - CONNECTED TO  
INCIDENT**ISR Comments**

Incomplete 999 call.	19/03/2011	01:53:48	NI_P_07	00162
Called back.	19/03/2011	01:54:10	NI_P_07	00162
Two males being racist.	19/03/2011	01:54:19	NI_P_07	00162
Now ran away.	19/03/2011	01:54:25	NI_P_07	00162
No direction of travel.	19/03/2011	01:54:58	NI_P_07	00162
Both tall.	19/03/2011	01:55:08	NI_P_07	00162
Both blonde hair.	19/03/2011	01:55:16	NI_P_07	00162
Logged by 6597.	19/03/2011	01:56:02	NI_P_07	00162
2496 reports nothing ongoing at present - obtaining details.	19/03/2011	01:59:32	DISP_S13	00855
2398 updates has spoken to caller/owner - there was 2/3 unknown males in the shop, all wearing dark clothing who he had never seen before - one has knocked over a bin and an	19/03/2011	02:06:53	DISP_S8	07124
	19/03/2011	02:06:53	DISP_S8	07124

argument has taken place over who was going to pick it up - they have now left the shop and it is unknown where they are. An area search was conducted with a negative result. At				
no time whilst talking to officers has [REDACTED] made reference to any racist comments being made. He is happy with police action. There has been no damage caused at the location	19/03/2011	02:06:53	DISP_S8	07124
TRANSFER REPLACES EXISTING TRANSFER	19/03/2011	02:18:47	SUPC_S2	06414
Disposition code: ,432','04'	19/03/2011	02:18:47	SUPC_S2	06414
# Arrests 0 # Cautions 0 # Reports 0	19/03/2011	02:18:47	SUPC_S2	06414
OIC / Handling Officer 01823	19/03/2011	02:18:47	SUPC_S2	06414
Qualifiers,NO QUALIFIERS	19/03/2011	02:18:47	SUPC_S2	06414
DHM-19032011-0055 HAS BEEN DISPOSED	19/03/2011	02:18:47	SUPC_S2	06414

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ISR Report

## DURHAM CONSTABULARY RESTRICTED

ISR Report:

DHM-31052010-0094 (Closed)

31/05/2010 04:07:16	433, PUBLIC ORDER	DHM-31052010-0094 / DHM	999	DURHAM
Priority:(1) Immediate	TO CLOSE	A1	Officer Dealing:02299	
Operator:07132	Dispatcher:06769	A1D (421044,530069)	Creator Wkstn:DISP_S5	

**Address Information**

AUCKLAND PIZZAS, AUCKLAND PIZZAS

1A FORE BONDGATE, , BISHOP AUCKLAND, DL147PF

Proximity:PIZZA PLACE

☒ Gazeteer  
Validation**Disposition Codes**ROWDY OR INCONSIDERATE  
BEHAV**Complainant Information**

STAFF [REDACTED] CLI: [REDACTED]

AUCKLAND PIZZAS,1A FORE BONDGATE BISHOP AUCKLAND, DL147PF

STAFF [N] Media Consent [N] Visit Reqd.

EVENT CODE - MOPI 1

Notes:

Date / Time Information		
Initial input	31/05/2010	04:07:16
Held	31/05/2010	04:07:50
Received	31/05/2010	04:08:16
Dispatched	31/05/2010	04:09:13
At Scene	31/05/2010	04:11:00
Cleared	31/05/2010	04:17:45
Resulted	31/05/2010	04:38:05
Disposed	31/05/2010	04:38:10

Qualifiers	
DISPOSAL QUALIFIERS	Alcohol Related
THEME	ANTI SOCIAL

ISR Relations	
MOBILE TELEPHONE - ISR RELATION	421821,529957,3130,3130,100,0
PERSONS - CONNECTED TO INCIDENT	[REDACTED] (Date of Birth : [REDACTED])

ISR Comments				
caller reporting a group of persons fighting outside of the shop	31/05/2010	04:08:47	DISP_S5	07132
no weapons seen	31/05/2010	04:09:23	DISP_S5	07132
Further call from staff requesting ETA	31/05/2010	04:10:08	DISP_S7	05838
Relation Type:CONNECTED TO INCIDENT Last Name: [REDACTED] First Name (s) [REDACTED] Date of Birth [REDACTED] 1.H/A-Street,Town / 2.Alt.Add [REDACTED] Sex:M	31/05/2010	04:15:45	DISP_S13	06769
2299: there has been a verbal argument between the above male and staff at the shop.	31/05/2010	04:16:52	DISP_S13	06769
no offences disclosed and neither party willing to make any complaint or offer any further information	31/05/2010	04:17:27	DISP_S13	06769
TRANSFER REPLACES EXISTING TRANSFER	31/05/2010	04:38:09	SUPD_S12	06559
Disposition code: '432','01'	31/05/2010	04:38:10	SUPD_S12	06559

# Arrests 0 # Cautions 0 # Reports 0	31/05/2010	04:38:10	SUPD_S12	06559
OIC / Handling Officer 02299	31/05/2010	04:38:10	SUPD_S12	06559
Qualifiers, Alcohol Related	31/05/2010	04:38:10	SUPD_S12	06559
DHM-31052010-0094 HAS BEEN DISPOSED	31/05/2010	04:38:10	SUPD_S12	06559
system admin - name of premises changed as per technical help request	09/06/2010	14:34:14	ADMIN_1	06173

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Contact: Brian Hall  
Direct Tel: 03000260082  
Fax:  
email: brian.hall@durham.gov.uk  
Your ref:  
Our ref: WV/PRE0240/05



Abdullah Ali Sharif  
1A Fore Bondgate  
Bishop Auckland  
Co Durham  
DL14 7PF

13<sup>th</sup> February 2012

Dear Sir/Madam,

**Licensing Act 2003**

Premises Licence – Pizza Place 1A Fore Bondgate, Bishop Auckland Co Durham, DL14 7PF

On 11<sup>th</sup> February 2012 I visited the above premises with Ann Armitage to carry out a routine licensing inspection.

At the time of the inspection the following conditions on your premises licence were not being complied with:

- 1 Part B Premises Licence Summary not displayed on Premises
- 2 A CCTV system must be designed, installed and maintained in proper working order to provide continuous recording facilities for each camera to a good standard of clarity

Please note that by virtue of Section 136 (1) of the Licensing Act 2003 a person commits an offence if he/she carries on or attempts to carry on a licensable activity otherwise than in accordance with the licence conditions or knowingly allows licensable activity to be so carried on. This offence, upon conviction, can carry a fine of up to £20,000 and/or 6 months imprisonment.

No smoking signage was not displayed on premises (enclosed)

Local councils are responsible for enforcing the new law in England. If you don't comply with the smokefree law, you will be committing a criminal offence. The fixed penalty notices and maximum fine for each offence are:

- **Failure to display no-smoking signs: a fixed penalty notice of £200 (reduced to £150 if paid in 15 days) imposed on whoever manages or occupies the smokefree premises or vehicle. Or a maximum fine of £1000 if prosecuted and convicted by a court.**

I would be grateful if you would contact me within the next 7 days to confirm that these matters have now been rectified.

Should you have any queries regarding this matter please do not hesitate to contact me.



## Witness Statement

(CJ Act 1967, s.9 MC Act 1980, ss 5A (3)(a) and 5B, MC Rules 1981, r70)

Statement of **Timothy Mark Kelly**

Age if under **Over 18** (if over 18 insert 'over 18').

Occupation: **Police Officer 277**

This statement (consisting of 1 page each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: 

Date: - 28<sup>th</sup> March 2012

I am a Police Sergeant in Durham Constabulary, currently stationed at Darlington Police Office in the capacity of Licensing Sergeant, a role I have held since January 2006.

Further to my statement dated February 1<sup>st</sup> 2012, concerning Pizza Place, a Late Night Refreshment venue located at 1 (A) Fore Bondgate Bishop Auckland, I wish to report the following.

An application was received by the Licensing Unit on March 14<sup>th</sup> 2012 concerning the transfer of the premise licence for the above from Mr Abdullah Ali Sharif to a Mr Hemin Hussein.

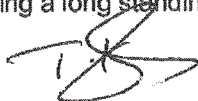
As part of processing such applications various checks are made of the new applicant in order to assist in the decision whether the granting of the application would have a negative impact on the Crime and Disorder Objective of the Licensing Act 2003.

One of the checks undertaken is that of the Durham Constabulary intelligence management system "Sleuth". I carried out a search of this system on the new applicant Mr Hemin Hussein. I found an incident involving Mr Hussein from April 23<sup>rd</sup> 2010. At 2205 hours on that date the Police stop checked a vehicle in Darlington driven by a male whose details were eventually established as Hemin Hussein b.10/02/1986, of 1 (A) Fore Bondgate, Bishop Auckland, that is, the same address as Pizza Place. I subsequently printed a copy of this entry on March 19<sup>th</sup> 2012, and produce it as evidence.

This entry suggests that Mr Hussein has been linked to the premise for a substantial period of time and gives rise to concern as to the level of continued involvement at the premise of Mr Abdullah Ali Sharif, the premise licence holder at the time of the event central to the review.

It is also of significance that the Police were called at 0132hrs on the morning of Monday March 26<sup>th</sup> 2012 regarding damage just caused to a window at the premise. This call was made by Mr Abdul Ali Sharif, from the premises, who described himself as "a staff member". I produce a copy of the incident log re this matter.

Taking both matters together it is a concern to the Police that the Application to transfer the Licence from Mr Sharif to Mr Hussein post notification of review proceedings may well be an attempt to camouflage the true ownership and management of the business, simply by placing a long standing staff member on the Premise Licence.



NOT PROTECTIVELY MARKED

Signature: 

Signature witnessed by:

P.T.O.

## **APPENDIX 4 – STATEMENT OF LICENSING POLICY**

## Durham County Council Statement of Licensing Policy

### 5.0 The Prevention of Crime and Disorder

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

5.2 As a matter of Policy the Licensing Authority will require every holder of a Licence, Certificate or Permission to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter. The Licensing Authority suggests that applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit television in certain premises must be considered by applicants and licencees when addressing this issue. The Licensing Authority will also expect that Personal Licence holders will actively participate in established "Pubwatch" schemes where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "Best Bar None" initiative which enables premises to demonstrate good safe operating procedures.

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

5.4 The application for premises selling alcohol must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years, and so that the Licensing Authority and Police can discuss any problems or issues arising from the licensable activities offered on the premises. The Licensing Authority

considers it to be good practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:

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

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

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

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

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

## **19 Reviews**

19.1 The Licensing Act provides a mechanism for reviewing a Premises Licences and Club Premises Certificates where problems associated with a premises undermine the Licensing Objectives following grant or variation.

19.2 At any stage during the life of a Premises Licence or a Club Premises Certificate, an application for a review can be made to the Licensing Authority



by any Responsible Authority, Elected Member or Interested Party. However, where an application for a review is considered to be frivolous vexatious or repetitious or where an application for a review is considered not relevant to the Licensing Objectives the Licensing Authority will reject it

19.3 The proceedings set out in the Act for reviewing Premises Licences and Club Premises Certificates represent a key protection for the community. Unless the application is withdrawn, deemed to be frivolous, vexatious or repetitious or does not relate to the Licensing Objectives, the Licensing Authority will hold a Hearing and take any necessary steps to promote the Licensing Objectives, such as modification of conditions, exclusion of licensable activities, removal of the designated premises supervisor, suspension of the Licence for up to 3 months or the revocation of the Licence.

19.4 The Licensing Authority will not expect a Premises Licence to be reviewed more than once within any 12 month period on similar grounds, except in exceptional circumstances or where it arises following a Closure Order.



## **APPENDIX 5 – S.182 GUIDANCE**

## Section 182 Guidance

### Reviews

The proceedings set out in the 2003 Act for reviewing Premises Licences represent a key protection for the community where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. It is the existence of these procedures which should, in general, allow Licensing Authorities to apply a light touch bureaucracy to the grant and variation of premises licences by providing a review mechanism when concerns relating to the licensing objectives arise later in respect of individual premises.

At any stage, following the grant of a Premises Licence, a Responsible Authority, such as the Police or the Fire Authority, or an interested party, such as a Resident living in the vicinity of the premises, may ask the Licensing Authority to review the Licence because of a matter arising at the premises in connection with any of the four licensing objectives. In addition, a review of the Licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of Magistrates' Court's determination sent to the Licensing Authority. Licensing Authorities may not initiate their own reviews of Premises Licences. Officers of the Local Authority who are specified as responsible authorities under the 2003 Act, such as Environmental Health Officers, may however request reviews on any matter which relates to the promotion of one or more of the licensing objectives.

Representations made by a department of the Local Authority which is a Responsible Authority should be treated by the Licensing Authority in precisely the same way that they would treat representations made by any other body or individual.

In every case, the representation must relate to particular premises for which a Premises Licence is in existence and must be relevant to the promotion of the licensing objectives. Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between Licence Holders, Authorised Persons, Interested Parties and Responsible Authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation.

It would therefore be good practice for Authorised Persons and Responsible Authorities to give Licence Holders early warning of their concerns about

problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.

- Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the Licensing Authority must first consider whether the complaint made is not relevant, vexatious, frivolous or repetitious.

Licensing Authorities are expected to be aware of the need to prevent attempts to review Licences merely as a second bite of the cherry following the failure of representations to persuade the Licensing Authority on earlier occasions. It is for Licensing Authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a Closure Order.

Following receipt of a request for a review from a Responsible Authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, the Licensing Authority must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises Licence Holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that he or his legal representatives has therefore been able to prepare a response.

### **Powers of a Licensing Authority on the Determination of a Review**

The 2003 Act provides a range of powers for the Licensing Authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

The Licensing Authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a Licensing Authority issuing an informal warning to the Licence Holder and/or to recommend improvement within a particular period of time. It is expected that Licensing Authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the Licence. However, where Responsible Authorities like the Police or Environmental Health Officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, Licensing Authorities should not merely repeat that approach.

Where the Licensing Authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- To modify the conditions of the Premises Licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times
- To exclude a licensable activity from the scope of the Licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)
- To remove the designated premises supervisor, for example because they consider that the problems are the result of poor management
- To suspend the Licence for a period not exceeding three months
- To revoke the Licence.

In deciding which of these powers to invoke, it is expected that Licensing Authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response. For example, Licensing Authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual. Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

Licensing Authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Accordingly temporary changes or suspension of the Licence for up to three months may be imposed. This could impact on the business holding the Licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. Accordingly a Licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a Licensing Authority's decision is necessary and proportionate to the promotion of the licensing objectives that gave rise to the Application for a Review.

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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