



Statutory Licensing Sub-Committee

Date Friday 31 May 2013
Time 11.00 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 27 February, 26 March, 9 April and 23 April 2013 (Pages 1 - 22)
4. Declarations of Interest (if any)
5. Application for the Grant of a Premises Licence - Everyday News, 19a Front Street, Sherburn Village (Pages 23 - 86)
6. Application for the Grant of a Premises Licence - 40 Front Street, Consett (Pages 87 - 134)
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

22 May 2013

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

Councillors B Alderson, E Bell, C Carr, J Lee and L Marshall

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Wednesday 27 February 2013 at 12.00 pm**

Present:

Councillor C Carr (Chair)

Members of the Committee:

Councillors B Arthur and A Hopgood

Also Present:

H Johnson (Licensing Team Leader) and G Proud (Legal Officer), Sgt Tim Robson (Durham Constabulary) and Sgt Tim Kelly (Durham Constabulary)

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitution of members.

3 Declarations of Interest

There were no declarations of interest received.

4 Application for the Expedited Review of a Premises Licence - The Flintlock Inn, West Cornforth

Consideration was given to an application and supporting certificate received under s53A of the Licensing Act 2003 from Durham Constabulary for an expedited review of the premises licence of The Flintlock Inn, 48 High Street, West Cornforth (for copy see file of minutes).

The Licensing Team Leader advised the Sub-Committee that it should consider whether any interim steps were necessary pending determination of the summary review application which would take place within 28 days. The options open to the Sub-Committee were modifications to the conditions of the premises licence, exclusion of the sale of alcohol by retail from the licence, removal of the Designated Premises Supervisor (DPS) or suspension of the licence. If Members decided to take interim steps, the Licence Holder would have an opportunity to make representations and a further hearing would have to be held within 48 hours.

Sergeant Robson spoke on behalf of Durham Constabulary and indicated that the current Designated Premises Supervisor and Licence Holder was a Nicola Bush and she had managers running the premises.

He went on to say that at 7.48 pm on the evening of 25 February 2013 a call was received stating that a disturbance had taken place at the Flintlock Public House and that members of the informants family had been threatened with shotguns.

At 8.05 pm a further call was received from the manageress of the premises reporting that a number of travellers had been in the premises and had been asked to leave. Following this, information came to light that they would return with knives and machetes. Police believed that the report given to them at the time of reporting was inaccurate.

An argument occurred in the premises involving a number of persons linked to serious violent crime and disorder. It was alleged that the individuals left and returned wearing ski masks and brandishing a sawn off shotgun and a knife. A fight ensued and it is alleged that the manager of the premises placed a sawn off shotgun into the mouth of one of the travellers. The weapons were used to inflict injuries on those within the premises and resulted in stab and slash wounds, a double fracture of the wrist, wound to the crown of the head and numerous cuts and bruises.

Although the premises were covered by CCTV, it was intentionally switched off for 40 minutes during the whole violent incident. The CCTV monitor and recording device were situated in the domestic dwelling area of the premises upstairs and could only be accessed by management.

The suspects in relation to the violent incident are linked to the control and operation of the Flintlock Public House. The manager and manageress had now been arrested and the stepson of the manager remained at large. Very little information was being presented to the Police for fear of retribution.

The Designated Premises Supervisor had shown little commitment to attending the premises and providing day to day control and accountability. She had left the running of the premises in the hands of the manager and manageress who are subject to arrest and police investigation. The Police have had difficulty in contacting her and since the incident her mobile phone had been disconnected.

The Police indicated that they had serious concerns that there would be further incidents of violence, serious crime and disorder if the Flintlock Public House remained open. There was an ongoing feud between a number of violent individuals and the Police believed that there was a likelihood of retribution from the travelling community and from the family of the manager and manageress.

Sergeant Kelly advised the Sub-Committee that he had attended Newton Aycliffe Magistrates Court at 10.00 am this morning with his Inspector and was granted a Closure Order in respect of Flintlock Public House in order to prevent violence, disorder or serious crime being associated with the premises. The Closure Order

would remain in place until the decision of the Licensing Authority. The Closure Order was shown to members of the Sub-Committee.

Members of the Sub-Committee sought clarification from the Police on a number of issues.

The Sub-Committee left to deliberate in private at 12.45 pm. After reconvening at 12.50 pm the Chairman delivered the Sub-Committee decision that, having carefully considered all of the information presented to them including the closure order and taking account of the serious nature of it and the clear implications that the premises were associated with serious crime the Committee considered that it had no alternative to make the decision.

Resolved:

That the Designated Premises Supervisor be removed and the premises licence be suspended with immediate effect.

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Tuesday 26 March 2013 at 10.00 am**

Present:

Councillor D Marshall (Chair)

Members of the Committee:

Councillors E Bell, K Holroyd and J Wilkinson

Apologies:

An Apology for absence was received from Councillor J Lee

Also Present:

Councillor J Wilkinson

C Greenlay (Principal Solicitor) and H Johnson (Licensing Team Leader)

Sgt T Robson (Durham Constabulary)

Inspector C Dobson (Durham Constabulary)

Mr C Morrison (Counsel to the Premises Licence Holder)

Mrs S Watson (Owner of the Premises)

Ms N Bush (Premises Licence Holder and Designated Premises Supervisor)

1 Apologies for Absence

An Apology for absence had been received from Councillor J Lee.

2 Substitute Members

There was no substitution of members.

3 Minutes

The Minutes of the meetings held on 7, 10, 15, 18 and 24 January 2013 and 22 February 2013 were agreed as a correct record and were signed by the Chair.

4 Declarations of Interest

Councillor D Marshall declared an interest in the Temporary Event Notice for Montgomerys, Stanley and withdrew from the meeting during consideration thereof.

5 Application for the Review of a Premises Licence - The Flintlock Inn, 48 High Street, West Cornforth, County Durham, DL17 9HS

Consideration was given to the report of the Corporate Director, Neighbourhood Services which detailed an application by Durham Constabulary to summarily review the premises licence in respect of The Flintlock Inn, 48 High Street, West Cornforth, Ferryhill, County Durham which was currently licensed to supply alcohol for consumption on the premises and for the provision of regulated entertainment (for copy see file on minutes).

A copy of the licence and location plan had been circulated to Members.

On 26 February 2013, the Licensing Authority received an application and supporting Certificate under Section 53A of the Licensing Act 2003 from Durham Constabulary where it was required to consider the matter within 48 hours of receipt. A copy of the application had been circulated to Members.

On 27 February 2013, the Statutory Licensing Sub-Committee met to consider the application. It was determined that the premises licence be suspended with immediate effect and to remove Nicola Jane Bush as the Designated Premises Supervisor. A copy of the Notice of Determination had been circulated to Members.

The License Holder had not submitted a representation against the decision to suspend the licence with immediate effect.

Additional documentation had been received from Durham Constabulary which had been circulated to Members and Interested Parties prior to the meeting.

A colour copy of the previously circulated location plan had been provided to all parties at the meeting.

The Licence Holder and Durham Constabulary had submitted additional information at the meeting and with the agreement of all parties was circulated to Members and all parties with time being allocated for the information to be read.

The Chairman had indicated that the witness statements had not been verified so little weight would be given to these.

Sergeant Robson, representing the Applicant stated that a copy of his statement had been circulated. The Flintlock Inn was a rural pub in a small community. In August 2011, Durham Constabulary had started to receive complaints about the premises in particular rowdy drunk people outside the premises.

In August 2011, a visit was made to the premises by a PCSO to discuss with the Designated Premises Supervisor (DPS) concerns of barred persons under the Pubwatch scheme being allowed in the premises.

In May 2012 a new Designated Premises Supervisor was assigned to the premises who also became the Premises Licence Holder. Within a few months control and management was passed to persons who had no licensing experience. The DPS

was not seen to take a vested interest in the running of the premises and the management was in the hands of inexperienced staff. Management was then passed to lesser experienced staff until the level of management at the premises was negligible.

Residents complained of rave style parties, after hours drinking and noise which was causing them poor quality of life. Residents feared patrons and the management so complaints were made via a third party.

On the 25 March 2012 a customer lost his car key inside the Flintlock Inn so had to get a lift home. Upon his return the vehicle had been stolen.

Sergeant Robson referred to his statement and the fire inspection carried out on 11 December 2012 which identified work that needed to be carried out. He advised members that these issues had now been resolved.

On 15 December 2012 he visited the premises, the DPS was not present and a young girl was working behind the bar who did not understand the licensing objectives. There were very few people in the premises so he could not gauge if they were drunken and disorderly. The Manager came downstairs and escorted him to the domestic kitchen upstairs which was behind two locked doors so there was no access by staff or patrons and this was where the CCTV equipment was installed.

During this visit he was made aware that the manager would be shortly vacating the premises. He contacted the DPS expressing his concerns that she was barely present at the premises and if the premises were left unoccupied may be the subject of a burglary. He was advised by the DPS that the premises would be occupied.

Sgt Robson advised the Sub-Committee that he did not wish to make application under Section 14 of the Licensing Act 2005 but the police did have intelligence in relation to the Flintlock Inn and the family associated with the premises, relating to an ongoing investigation.

On 25 February 2013 calls were received to Durham Police. The initial call was from a lady who stated that her husband had been assaulted and had facial injuries and that people were coming with guns. A call was later received from the Flintlock Inn stating that a group of travellers had been asked to leave and an unidentified person had said that they would return. He stated that CCTV evidence suggested that this did not happen but the footage was not shown to the Sub-Committee.

As shown in the circulated statements people had various injuries including a child who had suffered a blow to the head. Two people were identified and arrested and were on remand charged with serious offences. The pub manager was named as being in possession of a knife and a single barrelled shotgun. The manager's stepson was also named as being in possession of a knife and a baseball bat.

A witness reported that the travellers were playing pool then the manager offered them a drink on the house, it was believed this was done as a delaying tactic to keep them within the pub.

The Child's father had a gun put into his mouth; he was also knifed and repeatedly hit with a baseball bat. The child was also struck by the butt of the gun which caused him to lose consciousness.

The CCTV footage was missing for approximately 37 minutes which was the duration of the incident. Sergeant Robson believed that the CCTV had been turned off while the incident occurred.

The DPS had shown little interest in the Flintlock and did not reside at the Premises and lived some distance away and no application had been made to change the DPS. The Police felt that if the premises remained open then there would be further serious crime and disorder.

The concerns of the police were placed before County Durham and Darlington Magistrates Court on 27 February 2013, and an order was made by the Magistrates that the premises should remain closed until the matter was determined by the Authority. The police then made application for a review of the premises licence.

Sergeant Robson then advised the Sub-Committee that information had been received from a PCSO that the premises had been open for an event involving a medium; the event had been advertised on Facebook which was open to members of the public who were asked to bring their own alcohol.

The DPS had handed the running of the premises over to individuals who had little experience and the community were too scared to report concerns about the premises but had spoken to the PCSO who worked in the area about their concerns.

Sergeant Robson referred to the premises being linked to organised crime which was subject to further investigation so he was unable to provide further information. He asked that the licence be revoked as all the licensing objectives had been undermined and he believed there would be further acts of serious violence associated with these premises.

The Sub-Committee left at 11.50 am. The Sub-Committee returned at 11.55 am and advised that they had discussed their concerns about information been provided which was subject to an ongoing investigation.

Mrs Greenlay the Council's Principal Solicitor reminded everyone to ensure that information was not been divulged which was not already in the public domain in view of the pending criminal trial and the minutes would reflect what had been said at the meeting.

Mr Morrison acting for the Premises Licence Holder advised the Sub-Committee that a date for the court hearing had been set which was the 17 June 2013.

Councillor Bell referred to the three incidents which the police had highlighted and asked if the police had been called to the premises on other occasions. In response, Sergeant Robson confirmed that there had been a number of issues

reported second or third hand but there had been three main incidents which directly involved the premises. The driver who lost his car keys in the premises was adamant that the keys had been lost in the premises and there was no evidence of a procedure in the premises to log and secure lost property. It is believed the keys were taken from the Premises and the van stolen.

Mr Morrison sought clarification of how many people had been convicted of offences which had occurred at the Premises if it was the centre of criminal activity. Sergeant Robson responded that there was substantial police intelligence and that three people had recently been arrested.

In response to question from Mr Morrison, Sergeant Robson confirmed that there had been regular complaints about the running of the Premises but the Police had not previously sought a review of the premises licence as this was considered as a last resort. He confirmed that barred people were under the Pubwatch scheme and that he had spoken to the previous DPS about allowing barred persons into the Premises and he was advised that they had been allowed into the Premises as the DPS had no problems with the individual concerned. Mr Morrison asked if the current DPS had allowed barred persons into the premises. Sergeant Robson responded that the DPS would have been notified and supplied with photographs of barred persons.

Mr Morrison advised the Sub-Committee that Mrs Watson's son had no connection with the running of the Premises and he did not live in Cornforth. Sergeant Robson responded that her son had links with the management, had access to the upstairs of the Premises and had been seen working behind the bar.

Mr Morrison also advised the Sub-Committee that the premises were located on the High Street which was mostly shops so it was not in the middle of an estate.

The Chairman advised the Sub-Committee that little weight would be attached to the character references submitted by the Premises Licence Holder as the letters were unable to be verified as they had only submitted the information at the meeting.

Mr Morrison responded that the letters were produced to show that other businesses and individuals had no concerns with the Premises.

Mr Morrison then referred to the statement of Sergeant Robson which indicated that a fire inspection had taken place which required work to be undertaken. He indicated that the items identified were routine things to snag and it was not unusual to inspect premises and be told of items which needed fixing. Sergeant Robson responded that you would expect premises to be safe and that it was unusual.

Mr Morrison asked if the Premises were quiet during the inspection and did he notice that the CCTV equipment was powered by the mains electricity and was he aware that one of the complainants was known as "King of Gypsy Boxers" who was not local to the North East and was in fact Irish and his statement did not mention anything about a shotgun in his mouth. Sergeant Robson responded that the premises were quiet during the inspection and there were approximately 3 people in

the Premises but it was early. He did not know about the “King of the Gypsy Boxers” but he believed he was not local but had connection to the North and that he could not account for disparities between the statements that had been supplied by the Premises Licence Holder but a firearm in public was a concern.

Mr Morrison advised the Sub-Committee that on the day of the incident the alarm was raised by Mrs Watson and that the DPS was first on the scene and was in fact there before the Armed Response Team and asked how many times the DPS had spoken to the Police. Sergeant Robson confirmed that Mrs Watson did raise the alarm just after the incident but the alarm contained irregularities and that he was not aware the DPS was first on the scene. He had only spoken to the DPS on the telephone.

Mr Morrison referred to the allegation that the Premises had remained open and indicated that the flat above the Premises was still occupied. Sergeant Robson responded that the event had been advertised on Facebook. Mr Morrison asked for details of the advertising. Sergeant Robson responded that the information was provided from the PCSO and a statement confirming this had been circulated.

Mr Morrison then made his submission on behalf of the Premises Licence Holder stating as the Police had agreed the Premises was a central feature of the village which was vacant for some time and was re-opened in 2010 in compliance with relevant requirements. Other Public Houses in the village have no objections to the Premises and local businesses were in favour of the keeping of the Premises. If people were against the Premises then individuals would not have made statements and would suggest that this was evidence that the Premises was well thought of and if there were any irregularities or difficulties then these testimonials which had been circulated today would not exist. The Premises donated to charity and a letter had been circulated from the local Primary School thanking them. This is not the sort of thing you would expect from a Premises associated with regular crime. He asked that the references circulated to Members today carry heavy weight.

There had been no other incidents or arrests surrounding the individuals concerned or the Premises and he referred to an MP who had recently been arrested in the Bar at the House of Commons. He did not accept the Police version of events and the witness statements circulated today had been handed to the Crown Prosecution Service 3 weeks ago so the Police should have been aware of the inconsistencies but nothing had been done to follow them up. His client is actively trying to assist with the investigation.

Mr Morrison referred to the CCTV footage and was instructed to say that the CCTV was operated by the mains electricity and when the lights were smashed in the bar area during the fight this had fused the premises which cut off the electricity causing the CCTV to be switched off. The claim that the CCTV was deliberately switched off was strongly denied. The DPS had 10 years experience in Licensing and 15 years experience in catering. She had completed a Punch Tavern Management course and she specialised in run down premises which she turned around. Her record was unblemished until 4 years ago when an under age boy bought a drink and was

served by one of her staff which went to court. She has recently not been in good health.

Mr Morrison stated that the management could not be responsible for the action of others. The Premises currently did not have any Door Supervisors and he would suggest that the employing of Door Supervisors and a no travellers rule would be enough of a step to manage the situation as it had no previous history of problems and the incident did not involve locals. He asked that the Sub-Committee look at other measures as revocation was last resort only if you could not impose a lesser measure, such as the appointment of Door Supervisors who were properly trained.

On the day of the incident staff called the Police and when the DPS arrived at the Premises she closed the Premises and arranged for the safe transport of a regular who was disabled. The Armed Response Team had indicated to the DPS that they did not know why they had been called. Mr Morrison indicated that the DPS could not have done anything further, she stayed at the Premises and handed the keys over to the Police and no more co-operation could have been offered. Even if she had of been on the premises at the time there was nothing further she could have done to prevent a fight from breaking out.

Mr Morrison went on to say that his client had a good record as a DPS, there was no history of crime at the Premises but there were clear grounds for modification of the licence but not to remove the DPS or the Premises from trade.

Councillor Holroyd sought clarification on the failings of the CCTV equipment due to the loss of electricity and why the lights were not on a separate circuit. Mrs Watson responded that CCTV in her other businesses had a battery backup system but this was not the case on the equipment at the Flintlock and that the flat and premises were all on the same circuit.

The Chairman asked for clarification on the number of masked men at the Premises as Mrs Watson indicated two but in the bundle of evidence it stated that there were three which was a contradiction. Mr Morrison responded that it was not unusual for witnesses to have an inconsistent recollection of events.

In response to questions from Members, Mrs Watson confirmed that they were two lots of travellers in the Premises who she had not seen before, they were initially arguing amongst themselves, she had asked for ID from one of the travellers and she had advised them that children were not allowed on the Premises after 6.00 pm. Once she was no longer in control of the Premises she called the Police.

In response to questions from Durham Constabulary, Mrs Watson confirmed that she owned a number of other businesses in West Cornforth and that the light which had been broken was in the area where the pool table was located. She was playing darts at the time then she went outside but she thought it had only been approximately 52 seconds for the lights to go out but she was on the telephone at that time.

Durham Constabulary also indicated that they believed that the lights were on a separate circuit so the electricity supply for the CCTV equipment should not have

been affected. There was also no mention of the lights going off in any of the statements. Mrs Watson responded that she had advised CID.

The Council's Principal Solicitor asked the DPS how often she attended the Premises. Ms Bush responded that it varied but generally it was five or six days a week and amounted to between twenty and sixty hours per week but she had not been at the Premises a lot since Christmas due to her health issues.

In Summing up for the Applicant, Sergeant Robson confirmed that since the premises had been operated by Ms Bush there had been a detriment to the community. Residents of West Cornforth were showing great concern and there was a substantial amount of police intelligence to link the Premises to criminal activity. He had viewed the CCTV footage and a hearing was to be held on 17 June 2013.

A serious offence had occurred while the CCTV equipment had been switched off which involved a firearm and there had been no mention in any of the statements that the lights had gone off.

He had great concerns about the Premises and the Police opinion was that the licence should not be modified or suspended. A condition on the licence to employ door supervisor or change the DPS would not address the problems.

In summing up for the Premises, Mr Morrison asked that the Sub-Committee consider what the reality was. The reality was that, apart from the incident on 25 February 2013, there had been no one arrested or prosecuted at the Premises. The police intelligence must be poor if no one had been arrested or charged. The Licensing Act required transparency and it was not enough to say there was evidence of criminality it had to be provided and proven. The Premises had a clean record and no petition had been received from residents or evidence to close the Public House. The evidence provided suggested that residents wanted the Public House, they had given money to the local school and the DPS had a good track record. There was insufficient evidence to suggest displacement. The individuals concerned with the incident were not local and it was just a case that the Premises were unlucky that the fight broke out in their establishment. No one could see the future and it was not reasonable to suggest liability and in the circumstances would suggest it would be appropriate to impose a requirement to use door supervisors to protect public safety.

Members retired to deliberate the application in private at 1.05 pm and returned at 1.40 pm when the Chair delivered the decision.

In determining the application, Members had taken into account the provisions of the Licensing Act 2003, Section 182 Guidance and the Council's Licensing Policy and the written evidence, together with the information provided by all of the parties to the hearing.

Given that the Licensing Authority had taken an Interim Step of suspending the Premises Licence following a hearing on 27 February 2013, the Sub-Committee were obliged to confirm that the suspension of the premises was lifted.

Resolved:

- (i) That the Suspension of the Premises Licence imposed by the Sub-Committee on 27 February 2013 be lifted.
- (ii) That the premises licence be revoked.

Councillor C Marshall withdrew from the Meeting.

**Councillor E Bell (in the Chair) and
Councillor J Wilkinson joined the Meeting.**

The Chair had agreed to accept the Application for a Temporary Event Notice for Montgomerys, Stanley as the application needed to be determined by 3 April 2013.

6 Consideration of Temporary Event Notice - Montgomerys, Stanley

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for a Temporary Event Notice in respect of Montgomerys, Stanley (for copy see file of Minutes).

Montgomery's Public House currently held a premises licence issued under the Licensing Act 2003 a copy of which had been circulated to Members.

On 19 March 2013 the Licensing Authority had received an objection notice from Durham Constabulary of the grounds of the Prevention of Crime and Disorder. They considered it appropriate that all conditions currently attached to Montgomery's Premises Licence were also attached to the Temporary Event Notice for the promotion of the licensing objectives, details of which had been circulated.

Members were advised that the premises user confirmed her agreement to the conditions from the premises licence been attached to the Temporary Event Notice. A copy of the signed Mediation documentation had been circulated to Members.

In determining the application Members considered the report of the Licensing Officer and the Mediation Agreement. The Sub-Committee also took into account the relevant provisions of the Licensing Act 2003, Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy.

Resolved:

That in view of the mediation agreement between all parties the Temporary Event be allowed to proceed subject to the premises licence conditions being imposed for the duration of the event.

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Spennymoor on **Tuesday 9 April 2013 at 10.00 am**

Present:

Councillor J Shiell (Chair)

Members of the Committee:

Councillors B Alderson, B Arthur, D Brown and B Graham

Apologies:

Apologies for absence were received from Councillors

Also Present:

K Monaghan – Senior Licensing Officer

G Proud – Legal Officer

1 Apologies for Absence

There were no apologies received.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest (if any)

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Chester-le-Street Fake Festival, Riverside Park, Chester-le-Street

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for a Premises Licence in respect of Chester-le-Street Fake Festival, Riverside Park, Chester-le-Street (for copy see file of Minutes).

Members had been provided with a copy of the application and location plan, together with representations from Public Health and the Police.

Successful mediation had taken place between all parties and a copy of the Mediation Agreement had also been circulated to the Sub-Committee. The Licensing Officer advised that the Mediation Agreement had been amended to include further additional conditions which limited the Premises Licence to 2

consecutive days in any one year and which required the applicant to give not less than 3 months notice of events.

In considering the application the Sub-Committee had considered the report of the Licensing Officer and the Mediation Agreement. The Sub-Committee had also taken into account the relevant provisions of the Licensing Act 2003, Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy.

Resolved:

That in view of and pursuant to the Mediation Agreement the application be disposed of by imposing the following conditions in addition to those detailed in the original application:-

A General

- a) The Premises Licence Holder will have a policy for the disposal of alcohol which has been seized during the event.
- b) The Premises Licence Holder will inform the local hospitals and ambulance service of the date and time of the event.
- c) The Premises Licence will be limited to two consecutive days in any one year.
- d) The Premises Licence Holder will give the Licensing Authority not less than 3 months notice of the date of the event.

B The Prevention of Crime and Disorder

- (a) Serving persons who appear to be drunk
 - Entry to the event will be declined to anyone who appears to be drunk
 - The Premises Licence Holder will have a policy on serving to drunks which includes the support bar staff will receive from management and security to feel confident in refusing to serve someone.
 - Bar staff will be briefed prior to the commencement of the event.
 - Refusal register will be endorsed.
- (b) Door supervisors to be employed at a ratio of 1 per 75
- (c) The shift times for door supervisors in strategic locations will be 12.30 – 23.59 hours. The strategic locations to be as shown on the map attached to the Mediation Agreement.

- (d) An operational daily log must be kept documenting door supervisors information. This is to include full name, full badge number, date of birth, contact phone number, security companies name and start and finish times.
- (e) Every person entering the event will be checked by metal detector wands for the prevention of knives and other metal objects being taken into the event.

E The Protection of Children from Harm

- (a) A proof of age policy will be in place for people under 25 years of age via the Challenge 25 scheme.
- (b) The only forms of identification that will be accepted are a passport, a photo driving licence and 'PASS' hologram ID – ie ID4U.
- (c) A refusal register will be kept and endorsed after every sale refused. This will include over 18's purchasing alcohol and passing it to under 18's (proxy sales) and the refusal of persons who appear to be drunk. This information will be passed directly to the Police.
- (d) For the prevention of proxy sales the following will apply:-
 - Security to actively look for adults supplying alcohol to under 18's.
 - Security to eject and pass details on to the Police for anyone found to be supplying alcohol to under 18's.
 - The Premises Licence Holder will display notices around the venue highlighting the above actions to people.
 - Only one alcoholic drink to be served per person at any one time. In a group every person wanting an alcoholic drink must show an over 18 wrist band to bar staff.
- (e) Wristbands will be fitted by security staff at the main door once ID is seen for persons over 18. If a wristband is found to be tampered with all persons in the party will be removed from the event and the refusal register will be endorsed.
- (f) Local off-licences and supermarkets will be written to directly and notified of the event and the times, and asked to be extra vigilant in relation to under age sales before, during and after the event.
- (g) All youths under 18 years old must be accompanied by an adult.
- (h) All children under the age of 10 will be off site by 9pm.
- (i) Signs will be displayed to remind people that it is a criminal offence to be drunk in charge of a child under the age of 7 in a public place.

- (j) A reminder will be given to bands when being briefed that bad language, promotion of alcohol/drugs/gambling is strictly prohibited.
- (k) The Premises Licence Holder will not display any advertising for alcohol when children under the age of 18 are on the premises.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Tuesday 23 April 2013 at 10.00 am**

Present:

Councillor C Carr (Chair)

Members of the Committee:

Councillors B Alderson, A Hopgood and D Marshall

Apologies:

Apologies for absence were received from Councillors D Morgan

Also Present:

Councillor B Alderson
K Monaghan – Senior Licensing Officer
S Buston – Legal Officer

1 Apologies for Absence

An apology for absence was received from Councillor D Morgan.

2 Substitute Members

Councillor B Alderson and D Marshall were present as substitutes.

3 Declarations of Interest (if any)

There were no declarations of interest received.

4 Application for the Variation of a Premises Licence - Oddfellows Arms, Church Street, Seaham

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for the variation of a Premises Licence in respect of the Oddfellow Arms, Seaham (for copy see file of Minutes).

Members had been provided with a copy of the application and plan, together with representations from the Police.

The Sub-Committee was advised that following successful mediation between the applicant and the Police, additional conditions had been included in the Premises Licence, details of which were set out in the Mediation Agreement. A copy of the Mediation Agreement had been circulated to Members.

In considering the application the Sub-Committee had considered the report of the Licensing Officer and the Mediation Agreement. The Sub-Committee had also taken into account the relevant provisions of the Licensing Act 2003, Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy.

Resolved

That the application to vary the Premises Licence be granted as follows:-

Opening Hours of the Premises

Monday to Sunday – 09.00 to 01.00

Playing of Recorded Music (indoors)

Monday to Sunday – 09.00 to 00.30

Anything of a similar description

Monday to Sunday – 09.00 to 00.30

Sale of Alcohol (on/off the premises)

Monday to Sunday – 09.00 to 00.30

In addition the following conditions be added to the Premises Licence:-

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:-
 - (a) It must be of such a quality that individuals are readily identifiable from recordings made;
 - (b) 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 bar or serving area;
 - (c) it must be operated by properly trained staff;
 - (d) it must be in operation at all times that the premises are being used for licensable activities;
 - (e) recordings must be kept secure where they cannot be tampered with and retained for a period of no less than 30 days or such other period as shall be specified by Durham Constabulary;
 - (f) recordings must be available on request to the Licensing Authority and/or Durham Constabulary or other responsible authority as defined in the Licensing Act 2003 and be provided within 14 days of any such request;

2. The Challenge 25 Scheme must be operated at the premises with a policy in place in accordance with the statutory mandatory conditions providing for such.
 - (a) A written or electronic record must be maintained to record all forms of training and:
 - (i) the same must be available upon request to the Licensing Authority, Durham Constabulary or other responsible authority as defined in the Licensing Act 2003;
 - (ii) the record must bear the signatures of the person trained to confirm the training occurred and the date thereof and the signature of the person who carried out the training and, where the detailed record is maintained electronically, a printed record or diary shall be kept signed by the relevant parties as confirmatory evidence.
3. A refusals challenges and incident book must be maintained and kept up to date. It must:
 - (a) record all refusals and challenges and/or requests for the production of identification;
 - (b) record the result of such challenge or request;
 - (c) record similar information with respect to any purchases considered to be attempted by an adult on behalf of a person under 18 or an adult who is known to, or the licence holder has been advised of being known to, buy on behalf of persons under 18 years of age;
 - (d) be available upon request to either the Licensing Authority, Durham Constabulary or other responsible authority as defined in the Licensing Act 2003.
4. Sales must be refused to any person appearing to be under the influence of alcohol or drugs.

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Statutory Licensing Sub-Committee

Friday 31st May 2013 (3)

Application for the Grant of a the Premises Licence



Report of Terry Collins, Corporate Director, Neighbourhood Services

Name and Address of Premises: Everyday News, 19a Front Street,
Sherburn Village, Durham, DH6 1HA

1. Summary

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

Mr Barry Seymour

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

2. Details of the Application

On 11th April 2013 the Licensing Authority received an application for a grant of a premises licence from Mr Seymour and a copy is attached as Appendix 2.

The details of the application for the grant of a premises licence are as follows:

<u>Opening hours of the premises</u>
Monday to Sunday – 05.00 to 22.00
<u>Sale of Alcohol (Off the premises)</u>
Monday to Sunday – 10.00 to 22.00

Mr Seymour submitted a letter to the licensing authority (received on 30th April 2013) detailing changes to the layout of his premises and attaching a new plan. This is attached as Appendix 3.

The application has been advertised on the premises and in the local press as prescribed.

3. The Representations

The Licensing Authority received seven representations from 'other persons' attached as Appendix 4. Mr Seymour and Durham Constabulary entered into successful mediation and this agreement is attached as Appendix 5. There were no representations from any Responsible Authorities.

All representations relate to the following objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

4. The Parties

The Parties to the hearing will be:

- Mr Seymour (applicant)
- Mr Sean Trevor (applicant's nominated person)
- Mr Stephen Guy – other person
- (Former) Councillor Carol Woods – other person
& (Former) Councillor Maureen Wood – other person
- Ms Angela Leary – other person
- Sherburn Parish Council – other person
- Mr Jimmy & Mrs Janet Leadbitter – other person
- Ms Kathryn Allott – other person
- Mrs Emma Black – other person

5. Durham County Council Statement of Licensing Policy

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

- Section 5.0 - Prevention of Crime and Disorder
- Section 6.0 - Public Safety
- Section 7.0 - Prevention of Public Nuisance
- Section 8.0 - Protecting Children from Harm

Relevant information is attached as Appendix 6.

6. Section 182 Guidance

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

- 2.1 – 2.7 Prevention of Crime and Disorder
- 2.8 – 2.17 Public Safety
- 2.18 – 2.24 Prevention of Public Nuisance
- 2.25 – 2.35 Protection of Children from Harm

7. For Decision

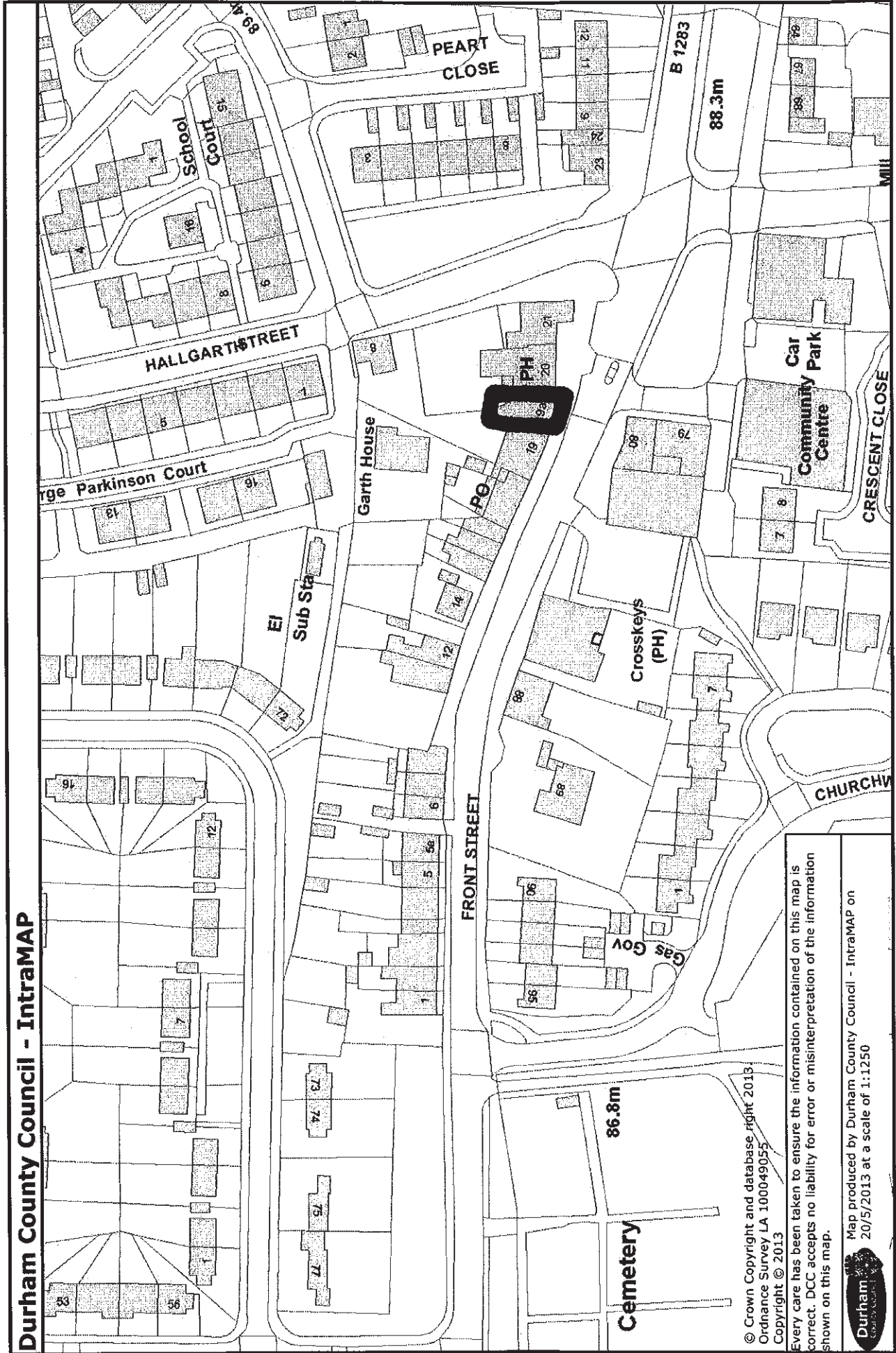
The Sub-Committee is asked to determine the application in the light of the above having regard to the application, the representations received and the mediation between the applicant and Durham Constabulary.

Background Papers:

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

Contact: Karen Monaghan Tel: 03000 265104
Email: karen.monaghan@durham.gov.uk

APPENDIX 1 - PLAN



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 Ordnance Survey LA 100049055
 Copyright © 2013

Every care has been taken to ensure the information contained on this map is correct. DCC accepts no liability for error or misinterpretation of the information shown on this map.

Map produced by Durham County Council - IntraMAP on 20/05/2013 at a scale of 1:1250



APPENDIX 2 – APPLICATION FORM

LICENSING

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/we BARRY SEYMOUR
(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

EVERYDAY NEWS

Postal address of premises or, if none, ordnance survey map reference or description			
19A FRONT STREET SMERBYRN VILLAGE DURHAM, CO DURHAM			
Post town	DURHAM	Postcode	DH6 1JH

IHA

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 4300

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY

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

DD	MM	YYYY

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

General Newsagents in Village

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

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live 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			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

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

G

Performances of dance 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	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>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</u> (please read guidance note 5)		
Sun					

I

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
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					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – 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 supply of alcohol (please read guidance note 4) NONE		
Mon	10-00	22-00			
Tue	10-00	22-00			
Wed	10-00	22-00			
Thur	10-00	22-00			
Fri	10-00	22-00			
Sat	10-00	22-00			
Sun	10-00	22-00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) NONE		

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

Name	BARRY SEYMOUR
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known)	IN PROCESS
Issuing licensing authority (if known)	DURHAM

K

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

L

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	05.00	22.00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Tue	05.00	22.00	
Wed	05.00	22.00	
Thur	05.00	22.00	
Fri	05.00	22.00	
Sat	05.00	22.00	
Sun	05.00	22.00	

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

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

We will operate a challenge 25 policy, keep the street clean outside the shop, not sell alcohol to adults buying it for children

b) The prevention of crime and disorder

We have 24 HR CCTV and will report any incident to the local beat officer, we will also operate a challenge 25 Policy in the shop.

c) Public safety

We have replaced the rear fire door and have two serviced fire extinguishers in the shop, all the fire exit signs are in place.

d) The prevention of public nuisance

Litter will be picked up on an hourly basis outside the front of the shop, there will be no noise issues as we are on a main road with pubs and shops close to us.

e) The protection of children from harm

we will operate a challenge 25 policy and not sell alcohol to adults supplying children, we also have CCTV to monitor this.

Checklist:


Please tick to indicate agreement

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	
Date	11/4/13
Capacity	owner

For joint applications, signature of 2nd applicant or 2nd 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	
Date	
Capacity	

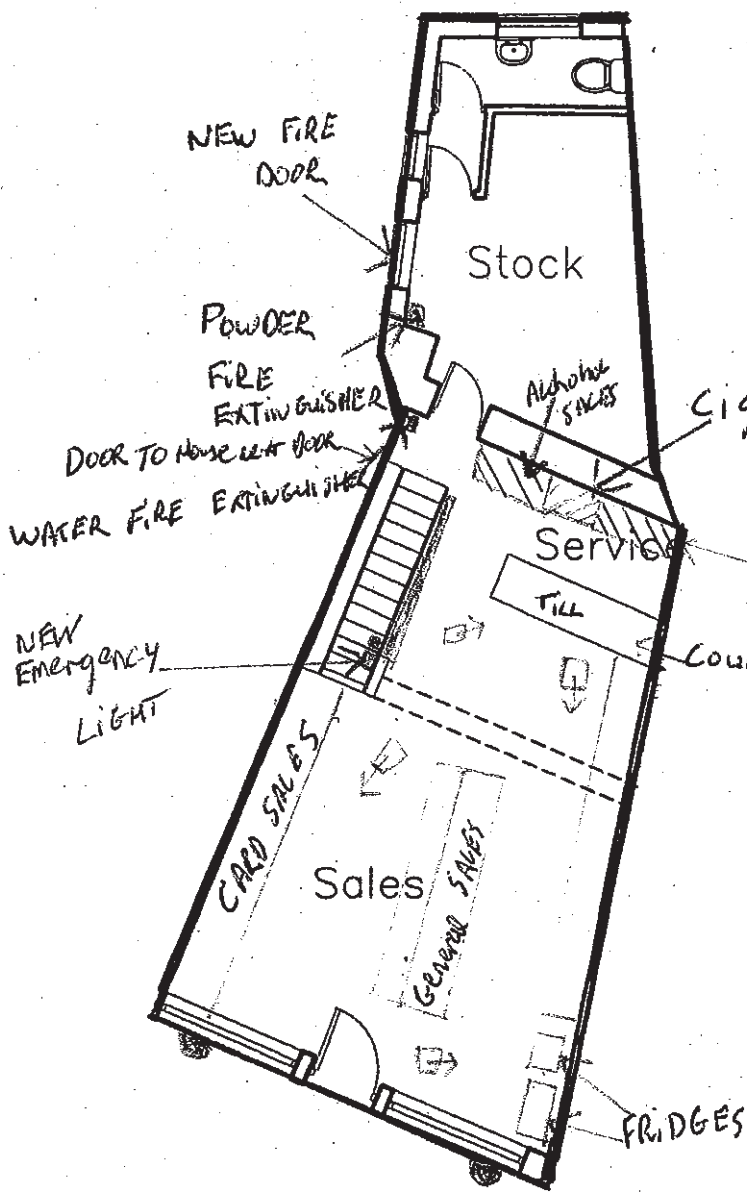
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) **MR B SEYMOUR**

[REDACTED]

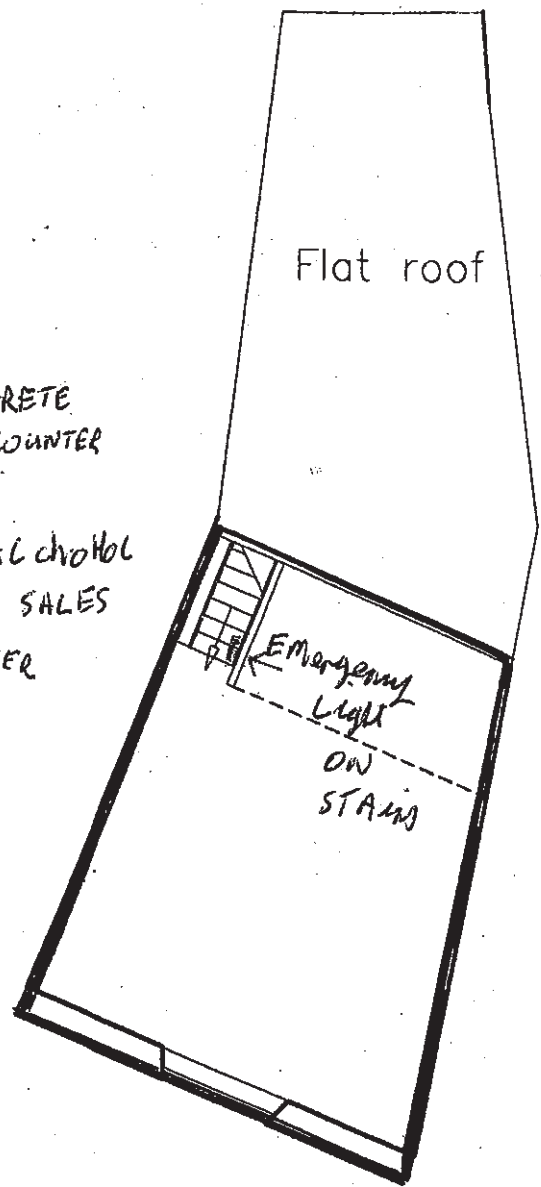
Post town	DURHAM	Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. 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 the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
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 or 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, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN

⇨ CAMERAS

|||| ALCOHOL SALES NOW ONLY BEHIND COUNTER.

● 2 New outside cameras.

■ New emergency light, top of stairs.

APPENDIX 3 – REVISED PLAN AND LETTER

MR BARRY SEYMOUR

FRONT STREET

SHERBURN VILLAGE

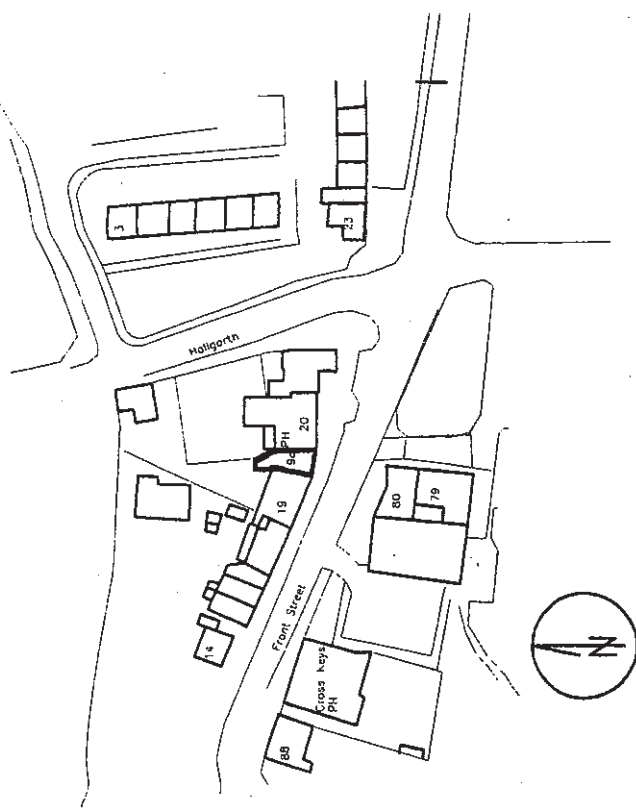
DURHAM

DN6 1HA

Dear Carol

Here are my revised drawings for my licence application. We will now only serve alcohol from behind the counter, where we can see the customers and act upon our challenge 25 policy. If they do not look 25 we will ask for ID either a passport or photo driving licence or citizen card with the hologram on it. If they cannot produce one we will refuse the sale. This has been agreed with protection of children from harm, the local police and the health and safety enforcing authority. Two external cameras have been agreed to be put up agreed by myself the police (local beat officers) and protection of children from harm. It is a conservation area in Sherburn so I contacted the Durham planning office and I can put them up as long as they have drawings. I have to put an emergency light on the stairs and the landlord has to block a doorway leading to the home next door this has to be fire proof for ~~two hours~~ 30 minutes. Also a fire risk assessment has also been done. These were requested by Stewart then of the fire service you can contact him on [REDACTED]

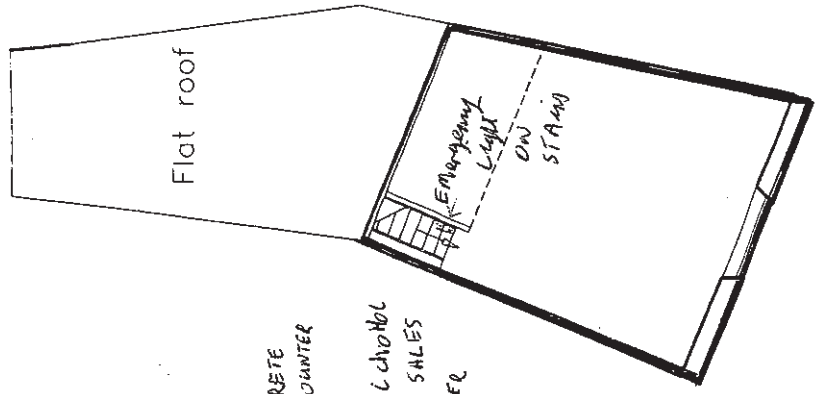
Thank you
[REDACTED]



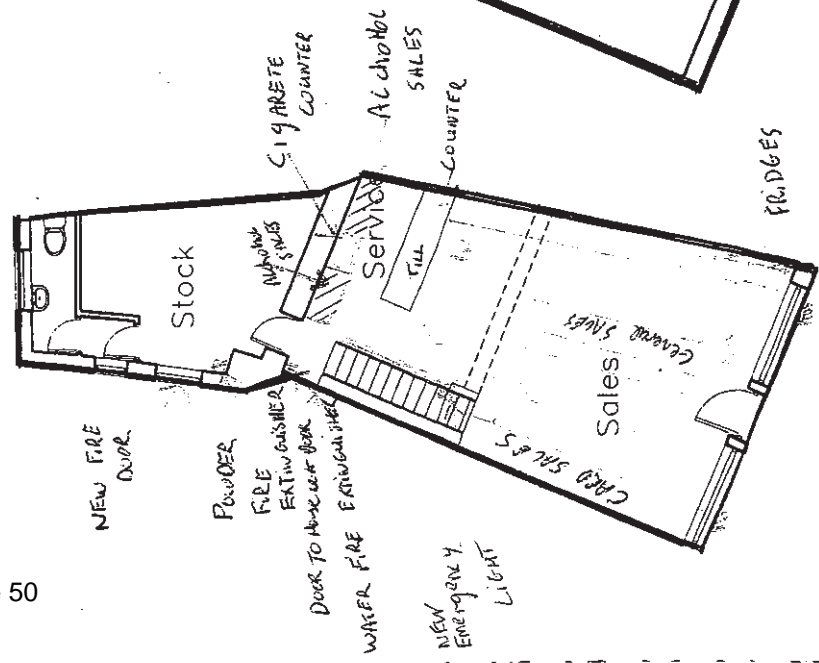
LOCATION PLAN 1:1250

D. Blaney

Existing floor plans 19A Front Street Sherburn Durham
Plans as existing
1:100
EFP1



EXISTING FIRST FLOOR PLAN



EXISTING GROUND FLOOR PLAN

APPENDIX 4 – LETTERS OF REPRESENTATIONS

Karen Monaghan

From: Stephen Guy [REDACTED]
Sent: 18 April 2013 21:41
To: Neighbourhood Services Licensing
Subject: Licensing application 19a Front Street, Sherburn Village-sale of alcohol

Dear sir/ madam,
I write in regard to the application below:

Mr Barry Seymour
[REDACTED] Dowsey Road
Sherburn Village
Durham
DH6 1JH
Everyday News
19a Front Street
Sherburn Village
County Durham
DH6 1HA

New premises licence application

Sale of alcohol (off the premises) Monday to Sunday 10.00am to 10.00pm

Opening hours Monday to Sunday 5.00am to 10.00pm

As a resident of Sherburn Village, I wish to object to the aforesaid application on the grounds that the sale of alcohol during the times in question will exacerbate existing problems of anti social behaviour, illegal consumption of alcohol and criminal damage. There is evidence of this type of behaviour in the area and I have attached it for your information:

<https://www.durham.police.uk/news-and-events/Pages/News%20Articles/Booze-seized-after-police-crackdown.aspx>

<https://www.durham.police.uk/Your-Neighbourhood/Durham/Pages/Sherburn-Village.aspx>

I strongly oppose the aforesaid licence and urge you to reject it in its entirety to prevent crime and disorder, protect the safety of the public and those who reside in the area(including those young people who are illegally consuming alcohol), to assist the police in their endeavours to tackle the existing anti social behaviour which gives rise to public nuisance and the debris left behind can cause public health and safety concerns.

I thank you in anticipation and look forward to learning the outcome of my objection.

Yours faithfully,
Stephen Guy,
10 St Mary's Drive,
Sherburn Village,
Durham City,
Dh6 1 RL

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Booze seized after police crackdown

20/02/2013

Sherburn neighbourhood policing team is cracking down on anti-social behaviour in Sherburn Village.

Officers are targeting the area around the village's leisure centre in particular, where groups of youths have been congregating over a number of weeks, usually on a Friday night.

Last weekend the bottles and cans of alcohol seized filled three large plastic bin bags.

PC Waheed Mughal said: "On one occasion there were as many as 30 young people hanging around the centre, many of whom had been drinking alcohol. As well as breaking the law by drinking under age they are causing damage to property in the area.

"These young people need to know that such behaviour will not be tolerated. The neighbourhood policing team is taking a robust approach to deal with this problem and will be carrying out high-visibility patrols in the vicinity."

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Sherburn Village

Priorities

You said your current priorities are:

Active Priorities

- 09 April 2013 - Youth Nuisance and Cold Callers
 1. Youths congregating in the band stand next to the Sports Centre drinking and leaving litter.
 2. Cold callers around the Old Aged Miners bungalows and School Court area.

This is what we have done

- 09 April 2013 - Youth Nuisance and Cold Callers

Targeted patrols on a Friday and Saturday night at the sports centre to continue. Information gathering to be conducted in order to identify and target cold callers.

These are the policing priorities that local people have agreed with your policing team. You can have some influence on future policing priorities by attending your next PACT meeting.

Social Networking

Tweets

Follow @SherburnNPT

- 
SherburnNPT @SherburnNPT 12h
 PC Bailey and PCSO Richardson have just issued a ticket to a car causing an obstruction at the Travelodge, Gilesgate #postveaction
- 
SherburnNPT @SherburnNPT 15h
 Large amount of alcohol seized at Bowburn Park last night by PCSO's Dunna and Corr. [Expand](#)
- 
SherburnNPT @SherburnNPT 15h
 Successful joint operation with Trading Standards in the Coxhoe area, computers and other documentation seized.
- 
SherburnNPT @SherburnNPT 17 Apr
 DurhamNPT: Jasper the pygmy billy goat. Help find him. Call 101 if you have any information about his... [dvr it/3FLdKX](#)
- 
SherburnNPT @SherburnNPT 17 Apr
 DurhamNPT: Jasper the pygmy billy goat was stolen from a farm at Town Kelloe on Friday. Anyone with any info call... [dvr it/3FLdHJ](#) [Expand](#)
- 
SherburnNPT @SherburnNPT 17 Apr
 DurhamNPT: Lindisfarne Gospels coming soon. #Durham [View all](#)

Tweet to @SherburnNPT

Local Events & Meetings

[View all](#) [View calendar](#)

Pittington PACT Meeting April 2013

Event Date: 23/04/2013 19:00:00

The meetings will be attended by a representative from your neighbourhood policing team and will be specific to your area and individual neighbourhood priorities will be discussed. All members of the community are welcome

[View Event Details](#)

Crime Mapper



CrimeMapper
CRIME LEVELS & STATISTICS

NHP Team



Sgt Jim Cowell



PC Waheed Mughal



PCSO Thomas Strawbridge

How To Contact

Durham City Police Station,
New Elvel,
Durham DH1 3AQ

Telephone: 101
Email: customerservices@durham.police.uk

[Contact Us](#)

Sent: 01 May 2013 17:13
To: Carol Graham - Licensing Assistant (N'hoods)
Cc: Cllr Maureen Wood
Subject: RE: Licensing - new premises licence application received

Hi Carol

I would like to object to the granting of an alcohol license to **Everyday News, 19A Front Street, Sherburn Village**

I am writing on behalf of Cllr Maureen Wood and I - we are both councillors for the ward in which this application is in, at least until tomorrow.

Our objections centre around the four licensing objectives.

1 Protection of children

There have already been many reports of underage drinking in Sherburn Village at the sports centre and the scrambles. These problems have repeatedly been reported to the police and with the parish council we have been working to solve the problem.

Another outlet selling alcohol in the village will make it easier for young people to get alcohol and not help us in our campaign to stamp out underage drinking in the village. The parish council has sent you, with their objection, a copy of a report that highlights that the incidence of young people suffering harm from alcohol increases as the number of off licenses increases, we would also like to highlight the report.

We are increasingly concerned by the number of young people regularly drinking in the village and worried about the effect on their long term health. We also think that the chances of accidents happening while young people are under the influence of alcohol increases especially if large groups gather. Up to forty young people have been seen gathering at the sports centre and large amounts of empty cans and bottles have been picked up after such a gathering.

These gathering have also included young people with cars and motor bikes and look increasingly like an accident may happen.

2 prevention of public nuisance, 3 Public safety, 4 Prevention of Crime and Disorder

The design of the Everyday news shop has a till at the back of the shop, we feel this would lead to problems that would make it difficult for the owner especially if only one person was working to keep order in the shop. This design would make it a target for shoplifting. There have already been problems in this shop with groups of young people. Selling alcohol in this shop would undoubtedly make this problem worse and could cause problems for ordinary members of the public using the shop or passing in the village. The shop does not look very secure and the storing of alcohol on the premises could lead to further criminal activity like break-ins especially when no one lives on the premises.

We are want to make sure that Sherburn Village is not subjected to increases of drunken behaviour and we think any increase in shops selling alcohol will do this. There are already two off licenses and two pubs and a club we don't need any more .Please reject this application on all the four licensing objectives and help us keep Sherburn Village safe place to live and protect our young people.

I would be grateful if you could let me know when the application will be considered at the relevant Licensing Committee as Maureen and I would like to make representation either as councillors if re elected or as members of the public.

Best wishes

Carol

Cllr Carol Woods
Weardale House
58 Front Street
Sherburn Village

From: Angela Leary [REDACTED]
Sent: 01 May 2013 17:22
To: Neighbourhood Services Licensing
Subject: Objection to application to sell Alcohol

Dear Sir/Madam

I wish to make an objection about Mr Barry Seymours application for a licence to sell alcohol at Every Day News, 19a Front Street, Sherburn Village Durham DH6 1HD.

I am objecting on two grounds of the Licensing Act 2003

Prevention Of Crime and Disorder:

We already have problems with under age drinking and young adults causing a nuisance in the village. Many hang around village, local Cooperative store and sports centre and intimate people to buy alcohol for them. I actually have felt intimidated myself when they are in large crowds. We recently had a group of a least 30 youngsters stopped and alcohol seized from them on the 20th March this year by Sherburn Neighbourhood Police. I feel it is one more place to gather to cause a nuisance.

Prevention of Public Nuisance:

Do we really need another place selling alcohol in the village, we already have the Village Shop and the Cooperative Store selling alcohol. Everyday News is just across the road from Cooperative which sells alcohol until 10pm. In the village its self we have two public houses and the Workingmen's Club all in close proximity to each other. The Lambton Arms is not 2 metres away from Everyday News. If this goes ahead i do believe will have youngsters around entrance to shop which and that means at door way of Lambton Arms also. Not a good idea i think. Thank You
Angela Leary

From: Sherburn Parish Council [mailto: [REDACTED]]
Sent: 02 May 2013 11:46
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: Licensing - new premises licence application received

The Parish Council cannot support the application for the sale of alcohol at Everyday News, 19A Front Street, Sherburn, on the following grounds:

Our objections centre around the four licensing objectives.

1 Protection of children

There have already been substantial problems with underage drinking in Sherburn Village at the sports centre and the scrambles. These problems are well known by the police and the parish council has been working with the police beat team to solve the problem. Another shop selling alcohol in the village will make it easier for young people to get alcohol and not help us in our campaign to stamp out underage drinking in the village. Please find attached a report following research into the density of off-licensed premises and alcohol harms in young people which was carried out in selected areas of England. Key findings resulted in an increase in the number of admissions of children to A&E for alcohol mis-use.

2 prevention of public nuisance, 3 Public safety, 4 Prevention of Crime and Disorder

The design of the shop with the till at the back of the shop would pose problems that would make it difficult for the owner especially if only one person is working to keep order in the shop. Indeed there have already been problems in this shop with groups of young people. Selling alcohol in this shop would undoubtedly make this problem worse and could cause problems for ordinary members of the public using the shop or passing in the village. The shop does not look very secure and the storing of alcohol on the premises could lead to further criminal activity like break-ins especially when no one lives on the premises.

We are keen to make sure that Sherburn Village is not subjected to increases of drunken behaviour in the centre of the village and hope you will reject this application on all the four licensing objectives and help us keep Sherburn Village as a safe crime free village.

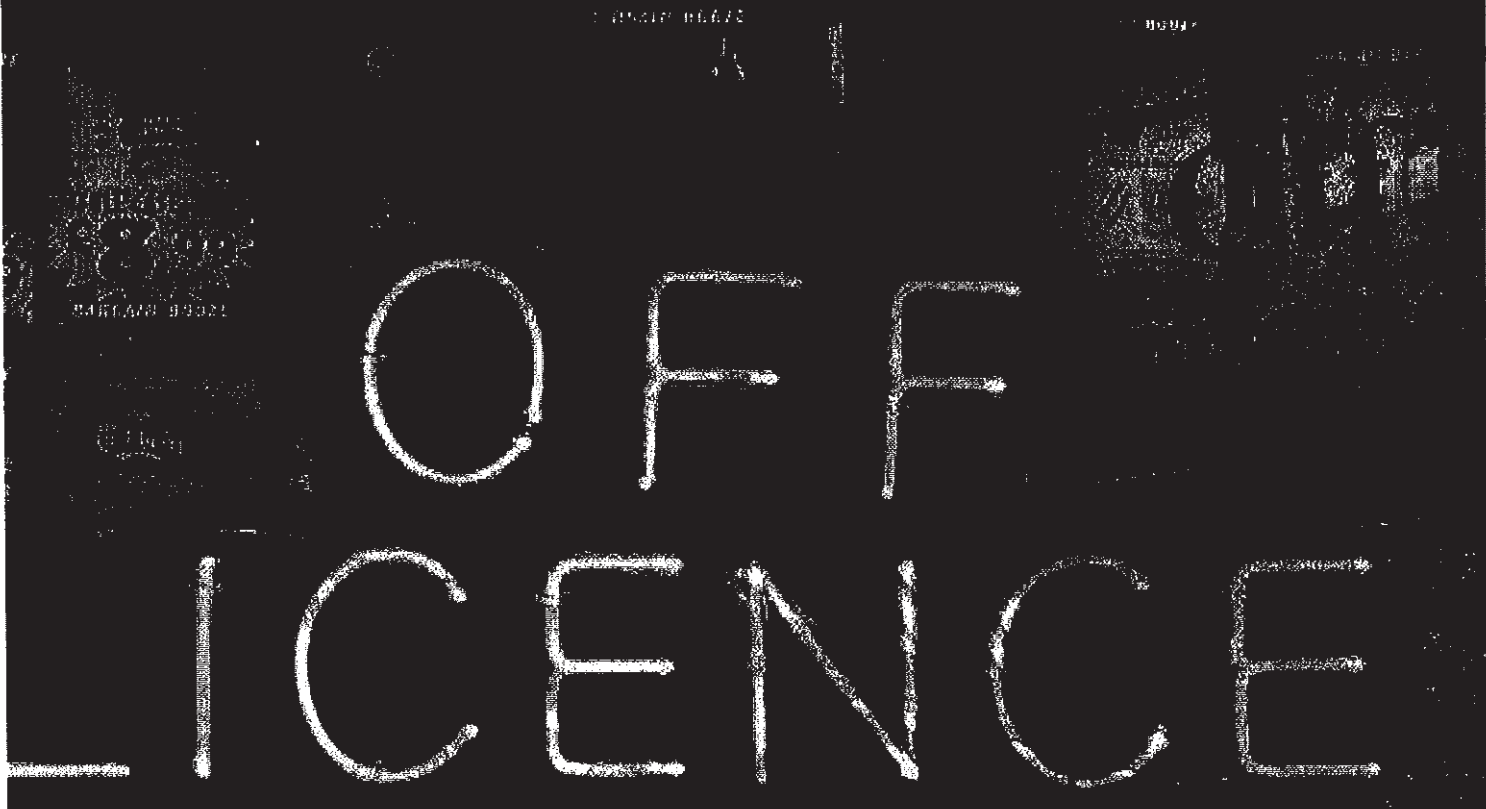
I would be grateful if you could let me know when the application will be considered at the relevant Licensing Committee and ask that a Representative of the Parish Council be allowed to speak at the meeting?

Parish Clerk
Sherburn Village Parish Council

[REDACTED]

One on every corner

The relationship between off-licence density and alcohol harms in young people



the
Tudortrust



Alcohol Concern
Making Sense of Alcohol

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The impact of alcohol availability on children and young people

England is a country that increasingly chooses to drink at home. This is due, at least in part, to the difference in price between alcohol bought from on and off-licensed premises. Over the past 30 years there has been more than a 25% increase in the number of off-licensed premises, such as convenience stores and supermarkets that sell alcohol for consumption elsewhere¹. Off-licensed sales are the predominant direct and indirect source of access to alcohol for young people under-18-years-old² and growing international evidence links off-licence density with various negative alcohol-related consequences^{3 4 5}.

Alcohol Concern's Youth Policy project commissioned Dr Nikki Coghill, Senior Research Fellow at the University of the West of England, to conduct some statistical analysis into the density of off-licensed premises and alcohol harms in young people in selected areas of England. As far as we are aware, this is the first study of its kind in this country to

focus on the links between off-licence density and harms in under-18s. The analysis uncovered a moderate but statistically significant relationship between the density of off-licensed premises and alcohol specific hospital admissions in young people under-18-years-old per 100,000 of population. Our findings suggest that the greater the availability of alcohol, the greater the risk of young people suffering alcohol harm. Therefore, the changing nature of where we buy and consume alcohol may have an impact on the risk of harms to young people. Limitations in the recording of alcohol-related conditions in hospitals and A&E departments means that the results from this study are likely to be an under-representation of the true picture of harms impacting on young people. Effective harm prevention therefore not only requires targeting education, information and support at an individual level among young people, but control of the concentration of alcohol outlets at a community level.

Our findings suggest that the greater the availability of alcohol, the greater the risk of young people suffering alcohol harm. Therefore, the changing nature of where we buy and consume alcohol may have an impact on the risk of harms to young people.

The impact of alcohol availability on children and young people

Key findings

Statistical analysis was undertaken of the alcohol specific hospital admissions data for persons under-18-years-old per 100,000 of population (a national alcohol indicator) and the density of off-licensed premises by local authority per 100,000 of population. Off-licence density was calculated using off-sales licensing data and Office of National Statistics population estimates. In England, excluding London, there was a moderate but statistically significant relationship between the number of off-licensed premises and underage alcohol specific admissions to hospital. No statistical relationship between off-licence density and harms in young people was found in data from the London boroughs resulting in their exclusion from the findings. This anomaly is likely to be because young people in London consistently consume less alcohol than the average in England and with a lower frequency⁶.

The analysis showed that nearly 10% of all alcohol specific hospital admissions in England, excluding London, are directly

attributable to off-licence density; meaning availability rather than any other external factor is the cause of one in ten of such harms. In England, excluding London, between 2006 and 2009, 19,367 children and young people under-18-years-old were admitted to hospital with alcohol specific conditions⁷. Our research indicates that over 1900 of those admissions could be directly attributable solely to the density of off-licensed premises in the young person's local area.

Further analysis using linear regression modelling found that nationally on average every two extra off-licences per 100,000 of population results in one alcohol specific hospital admission of a person under-18-years-old per 100,000 of population. In general, as the density of off-licences in an area increases, so do alcohol specific admissions in young people. There is, however, variation by region. Table 1 is a selection of areas with some of the highest and lowest levels of off-licence density.

In general, as the density of off-licences in an area increases, so do alcohol specific [hospital] admissions in young people.

Methodological qualification

This study does not set out to establish cause and effect, rather it aims to highlight, for the first time in England, the positive relationship between density of off-licensed premises and harm amongst under-18s; a cohort supposedly protected by existing alcohol licensing regulation. The study does not take into account on-trade density because evidence suggests licensed premises such as pubs are less likely avenues of alcohol access for underage drinkers than off-licensed premises⁸. The study assumes a consistent average of young people per 100,000 of population across all areas and is not adjusted for variance.

Please note this is not a complete picture; comparable density and harms data (where we were able to match licensing authority with local health authority boundaries) was only available for 214 of the 293 English authorities - excluding London - that published alcohol indicator data in the Local Alcohol Profiles for England (LAPE). Representing almost three-quarters (73%) of the total areas published for England this is a figure sufficiently robust to draw strong conclusions.

Limitations in recording alcohol harm

This relationship needs to be interpreted in light of the fact that it is based only on alcohol specific* harms, such as alcohol poisoning, and excludes conditions related to alcohol** such as head injuries or sprains resulting from alcohol-related assaults or falls, or attendances that are dealt with only at A&E. In addition, hospital admissions that are specific to alcohol consumption may not necessarily be recorded as such. They are often only recorded according to the treatment provided and not the cause of the event. Weaknesses in the recording of the causes of admission in hospital settings mean that the relationship between off-licence density and harm is likely to be stronger than our available data demonstrated. Importantly, this study did not attempt to calculate the numerous other negative consequences associated with alcohol such as crime, violence or traffic accidents.

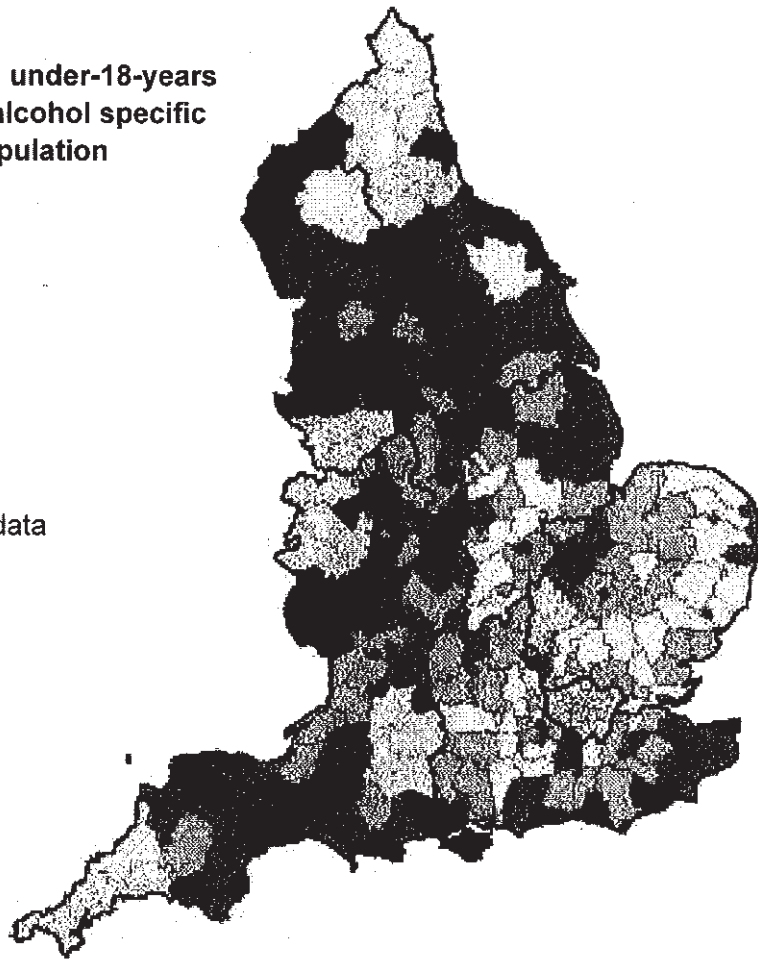
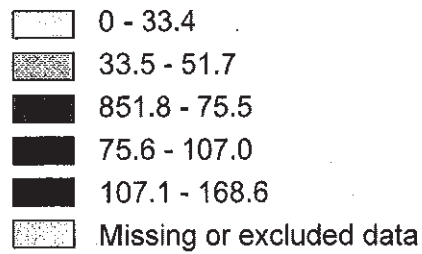
Table 1: A selection of areas with the some of the highest and lowest off-licence density and harms in young people compared with the average for England

Local Authority	Off-licence density [†]	Alcohol specific under-18s hospital admissions [‡]
Salford	135.5	117.0
Lincoln	116.4	107.0
Gateshead	114.3	114.8
England average	79.4	62.9
Tunbridge Wells	48.3	48.4
Swale	35.6	57.7
Malvern Hills	26.7	82.4

[†] Per 100,000 population [2009]

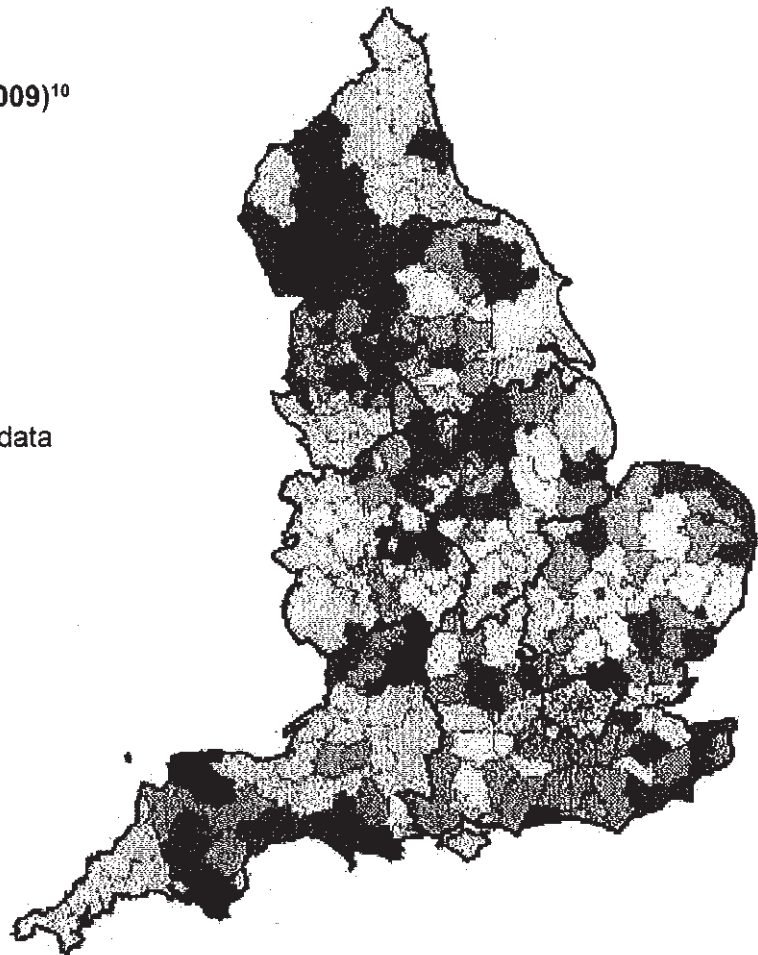
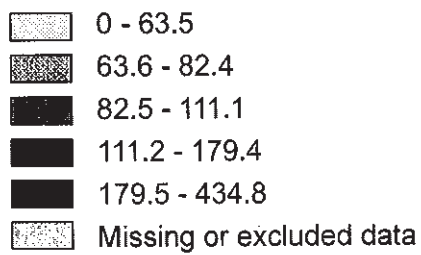
[‡] Crude Rate per 100,000 population [2006/07 to 2008/09]

Map 1: Young people aged under-18-years admitted to hospital with alcohol specific conditions per 100,000 population (2006/07 to 2008/09)⁹



Map Boundaries: Crown Copyright

Map 2: Off-licence density per 100,000 population (2009)¹⁰



Map Boundaries: Crown Copyright

At a local level

By way of illustration, the following tables provide a more detailed breakdown of data for selected local authorities in greater Manchester with high off-licence density and high levels of alcohol harm in young people. Table 2 shows off-licence density and young people's alcohol specific admissions in Salford, Tameside and Wigan respectively compared with the national average.

Table 2: Off-licence density per 100,000 of population and alcohol specific admissions of persons under-18-years per 100,000 of population

Local Authority	Off-licence density	Alcohol specific under-18s hospital admissions
Salford	135.5	117.0
Tameside	98.0	123.4
Wigan	88.7	121.4
England average	79.4	62.9

Levels of consumption

Significant numbers of young people regularly drink in all three local authorities increasing the risk of other alcohol-related negative consequences (see Table 3).

Table 3: Frequency of alcohol consumption amongst 14 to 17 year olds (2009)¹¹

Local Authority	Drinking twice a week or more (%)	Drinking once a week (%)	Drinking 1-3 times a month (%)	Drinking less than once a month (%)	Never drink (%)
Salford	17	21	20	25	17
Tameside	19	19	23	21	18
Wigan	18	21	24	23	14

Associated risks

There are a range of associated risks related to excessive alcohol consumption. In particular there are a number of possible links between teenage conception and alcohol consumption¹². Table 4 shows that the rate of teenage conceptions in Salford, Tameside and Wigan (59, 60 and 50 per 1000 of population respectively) is well above the national average (40 per 1000).

Table 4: Rate of conceptions amongst 15 -17 year olds per 1000 of the population (2004 – 2008)¹³

Local authority	2004	2005	2006	2007	2008
Salford	57	61	59	62	59
Tameside	54	60	54	55	60
Wigan	51	59	53	54	50
England average	42	41	41	42	40

Growth in off-licence trade

Over recent years there has been a shift towards drinking at home that has contributed to the falling number of pub-goers. This is explained, at least in part, by the disparity in price between on and off-licensed trade; alcohol bought from off-licences now costs on average around one third of the cost of alcohol bought from pubs and other on-trade premises¹⁴. In the UK, sales from off-licensed premises now account for nearly 50% of all alcohol consumption¹⁵. Since 1992, the volume of alcoholic drinks brought into the home in the UK has increased from 527ml per person per week to 706 ml in 2008 whilst the amount of alcohol sold by the on-trade has dropped by 40 per cent between 2001 and 2008¹⁶. In England and Wales the number of off-licensed premises has risen significantly over the last 40 years¹⁷ fuelled by the expansion of supermarket premises. (See table 5). Greater numbers of off-licensed premises lead to an increasingly competitive alcohol market-place resulting in still lower prices. In these circumstances an increase in consumption, and therefore alcohol harms, would be expected¹⁸.

Greater off-licence density may increase the volume of alcohol in the home, as well as friends' and family's access to alcohol and the number of opportunities for shoulder-tapping. These ultimately translate into increased harms...

How young people access alcohol

For young people under-18, greater off-licence density does not necessarily translate into increased opportunity for the direct purchase of alcohol. Rather, greater off-licence density increases the general availability of alcohol in the home and through friends, family and from passers-by – through what is known as 'shoulder-tapping' outside alcohol retail outlets. In fact the proportion of young people who regularly bought alcohol from an off-licence has declined since 1996, from 27% to 15% in 2008. However, this is matched by an increase in the proportion who said they usually bought it from a friend or relative, from 9% in 1998 to 24% in 2008¹⁹. Stricter enforcement and implementation of laws banning the sale of alcohol to minors does not necessarily reduce the access or availability of alcohol to young people. Research shows that the most common ways for young people aged 11-15 years to access alcohol were being given it by friends (24% of those surveyed) or parents (22%); asking someone else to buy alcohol (18%); or taking alcohol from home with permission (14%). For older pupils surveyed, home was still an important source of alcohol – 36% of 15 year olds had been given alcohol by parents and 25% had taken it from home – but they were much more likely to have obtained it from friends (50%) or to have asked someone else to buy it for them (41%) than younger pupils²⁰. Greater off-licence density may increase the volume of alcohol in the home, as well as friends' and family's access to alcohol and the number of opportunities for shoulder-tapping. These ultimately translate into increased harms including alcohol specific hospital admissions. Thus rigorous enforcement of the Licensing Act which bans the sale of alcohol to minors may only have a limited impact on the general access and availability of alcohol to young people.

Growing evidence

A growing body of international evidence underlines the risks associated with greater off-licence density for both young people and young adults. In the US, alcohol outlet density has been significantly linked to the initial likelihood and frequency of obtaining alcohol through various sources including retail outlets, shoulder-tapping, home or family members²¹. In New Zealand, increased off-licence density has been linked to the quantities of alcohol consumed by teenage drinkers²². Other studies indicate that greater regulation of alcohol outlet density may be a useful public health tool for reducing consumption and related harms²³. Alcohol Concern's Youth Policy project findings highlight the clear need for further culturally relevant research in England that explores the relationship between off-licence density and harm in young people and feeds into harm-reducing public health strategies.

Lacking the powers to sufficiently control licence density

Current licensing legislation obliges licensing committees to approve all new licence applications and extensions unless particular concerns about possible contravention of licensing objectives have been raised. There is no licensing objective in England and Wales to protect public health. In practice, this means that there is little licensing committees can do to circumvent a high density of licensed premises. Although local authorities can introduce saturation policies to prevent further licences being granted in high-density areas, this is not statutory and decisions to decline new licences can be overturned on appeal.

there is little licensing committees can do to circumvent a high density of licensed premises

Table 5: Off-licensed premises including supermarkets in England and Wales²⁴

	1910	1930	1950	1970	1989	2009
Number of off-licensed premises	24,438	22,166	23,532	27,910	45,507	49,074

Conclusion and recommendations

Conclusion

Demonstration of the positive relationship between off-licence density and harms in underage drinkers in England, excluding London, suggests that the current availability of alcohol shapes the risk a young person faces as they grow up. One in ten alcohol specific hospital admissions - such as alcohol poisoning - may be attributable to the density of off-licensed premises locally. Unfortunately, the narrowness of alcohol specific hospital admission codes means this is likely to be a considerable under-representation of underage harm. More accurate and consistent recording of alcohol-related conditions in hospitals and A&E departments would reveal a truer picture of the relationship between harms and off-licence density. These findings suggest that there may be consequences to the changing patterns of where we buy and consume alcohol: increasingly in the home, which is a reflection of the growth in off-licensed premises.

Relying simply on better enforcement of regulation banning the sale of alcohol to minors may not therefore be enough protection as young people access alcohol through the home, friends and family. It is likely to be the greater general availability of alcohol, attributable to local off-licence density that has a direct impact on the risks of harm that a young person faces. Clearly more research is needed to better understand this correlation, but the challenge for government is how to respond to this in policy terms to protect young people.

Recommendations

- Government should fund further research into the relationship between alcohol harm in young people and alcohol outlet density. There is a clear need for culturally relevant research findings to feed into harm-reducing public health strategies.
- A new health objective should be included in the Licensing Act to enable local authorities to reduce alcohol-related harm. Health-harms data should always feed into licensing decision-making and licensing authorities must be given the power to proactively refuse new applications/extensions on the basis of local health considerations.
- Government should develop and introduce standard systems to more effectively measure and record the levels of alcohol-related harm for all patients in both accident and emergency departments and via hospital admissions. This will allow for improved analysis of alcohol-related harm.

Footnotes and references

* A number of conditions are defined as wholly attributable to alcohol consumption. These conditions and their ICD-10 codes are as follows; Alcohol-induced pseudo-Cushing's syndrome (E24.4); Mental and behavioural disorders due to use of alcohol (F10); combines ICD 9 codes for alcoholic psychosis, alcohol dependence and alcohol abuse); Degeneration of nervous system due to alcohol (G31.2); Alcoholic polyneuropathy (G62.1); Alcoholic myopathy (G72.1); Alcoholic cardiomyopathy (I42.6); Alcoholic gastritis (K29.2); Alcoholic liver disease (K70); Chronic pancreatitis (alcohol induced) (K86.0); Ethanol/methanol poisoning (T51.0, T51.1); Toxic effect of alcohol, unspecified (T51.9); Accidental poisoning by and exposure to alcohol (X45)

** Each alcohol-related admission is assigned an attributable fraction that represents the proportion of admissions that can be attributed to alcohol and is based on a review of the available research. These conditions and their ICD-10 codes are as follows; E24.4 Alcohol-induced pseudo-Cushing's Syndrome; I47-I48 Cardiac arrhythmias; F10 Mental and behavioural disorders due to use of alcohol; I60-I62, I69.0-I69.2 Haemorrhagic stroke; G31.2 Degeneration of nervous system due to alcohol; I63-I66, I69.3, I69.4 Ischaemic stroke; G62.1 Alcoholic polyneuropathy; I85 Oesophageal varices; G72.1 Alcoholic myopathy; K22.6 Gastro-oesophageal lacerationhaemorrhage syndrome; I42.6 Alcoholic cardiomyopathy; K73, K74 Chronic hepatitis, not elsewhere classified and Fibrosis and cirrhosis of liver; K29.2 Alcoholic gastritis; K85, K86.1 Acute and chronic pancreatitis; K70 Alcoholic liver disease; L40 excluding L40.5 Psoriasis; K86.0 Chronic pancreatitis (alcohol induced); O03 Spontaneous abortion; T51.0 Ethanol poisoning; V02-V04 (.1, .9), V06.1, V09.2, V09.3 Pedestrian traffic accidents; T51.1 Methanol poisoning § Road traffic accidents (driver/rider); T51.9 Toxic effect of alcohol, unspecified ;V90-V94 Water transport accidents; X45 Accidental poisoning by and exposure to alcohol; V95-V97 Air/space transport accidents; C00-C14 Malignant neoplasm of lip, oral cavity and pharynx; W00-W19 Fall injuries; C15 Malignant neoplasm of oesophagus; W24-W31 Work/machine injuries; C18 Malignant neoplasm of colon; W32-W34 Firearm injuries; C20 Malignant neoplasm of rectum; W65-W74 Drowning; C22 Malignant neoplasm of liver and intrahepatic bile ducts; W78-W79 Inhalation of gastric contents/Inhalation and ingestion of food causing obstruction of the respiratory tract; C32 Malignant neoplasm of larynx; X00-X09 Fire injuries; C50 Malignant neoplasm of breast; X31 Accidental excessive cold; G40-G41 Epilepsy and Status epilepticus; X60-X84, Y10-Y33 Intentional self-harm/Event of undetermined intent; I10-I15 Hypertensive diseases X85-Y09 Assault

- 1 British Beer and Pub Association (2010) *Statistical Handbook*, Brewing Publications Limited, London
- 2 Scottish Executive (2004) *Off-Sales in the Local Community*, online, available from: www.scotland.gov.uk/Resource/Doc/47210/0027017.pdf [Accessed 4/5/11]
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- 4 K. Kypri, (2008) *Alcohol Outlet Density and University Student Drinking: A National Study*. *Addiction: Vol.103* (7) pp.1131-1138
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One on every corner

The relationship between off-licence density
and alcohol harms in young people

Written by the Alcohol Concern Youth Policy Project,
funded by Comic Relief and the Tudor Trust

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Alcohol Concern

Alcohol Concern is the national agency on alcohol misuse
campaigning for effective alcohol policy and improved services for
those people whose lives are affected by alcohol-related problems

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Alcohol Concern
Making Sense of Alcohol

From: JANET LEADBITTER [REDACTED]
Sent: 06 May 2013 10:22
To: Neighbourhood Services Licensing
Subject: Everyday News - Application for Licence to Sell Alcohol

We wish to lodge an objection to the application from Everyday News, (Proprietors - B & H Seymour) Front Street, Sherburn Village for a licence to sell alcohol.

The reason for this objection is that there is already an outlet selling alcohol directly across the road to Everyday News which is open until 10pm every night. This is the Co-operative Store which to its credit has dealt with the problem of underage drinking and the subsequent result of minors congregating behind their store.

We believe to grant a licence to Everyday News would increase the likelihood of alcohol being sold to minors and subsequently an increase in the anti-social behaviour which has occurred in the past.

Janet & Jimmy Leadbitter
● Church Wynd
Sherburn Village
Durham
DH6 1QU

**CHURCH WYND
SHERBURN VILLAGE
DURHAM
DH6 1QU**

6 May 2013

Licensing
Environment, Health and Consumer Protection
PO Box 617
Durham
DH1 9HZ

Dear Sir/Madam

Application for Licence to sell Alcohol – Everyday News

We wish to lodge an objection to the application from Everyday News, (Proprietors - B & H Seymour) Front Street, Sherburn Village for a licence to sell alcohol.

The reason for this objection is that there is already an outlet selling alcohol directly across the road to Everyday News which is open until 10pm every night. This is the Co-operative Store which to its credit has dealt with the problem of underage drinking and the subsequent result of minors congregating behind their store.

We believe to grant a licence to Everyday News would increase the likelihood of alcohol being sold to minors and subsequently an increase in the anti-social behaviour which has occurred in the past.

Yours faithfully



Janet Leadbitter



Jimmy Leadbitter

DURHAM COUNTY
6 MAY 2013
LICENSING

N.B. This objection was also e-mailed
on 6/5/2013

Karen Monaghan

From: [REDACTED]
Sent: 07 May 2013 17:26
To: Neighbourhood Services Licensing
Subject: Premises license Mr. B Seymour
Attachments: I_wish_to_object_to_the_application_made_by_Mr.doc

Please find attached letter of objection to application for off licence at Everyday News Front St. Sherburn Vill. Durham

Yours Faithfully

Kathryn Allott
Lambton Arms
Front St.
Sherburn Vill.
Durham
DH6 1HA

I wish to object to the application made by Mr.B.Seymour [REDACTED] Dowsey Road, Sherburn village for the sale of alcohol at Everyday News Front St. Sherburn village.

1. Protection of children from harm.

Research by Alcohol Concern found that off license sales are predominantly the direct or indirect source of alcohol for under 18's

Also that 10% of all alcohol related hospital admissions for under 18's was directly attributed to the concentration of off licenses in the local area

Their report states that an average of 2:1 relationship exists between number of off licenses per 100,000 of population, and that government needs to reduce the availability of alcohol by controlling off license density

North-East England Alcohol Office supported BALANCE'S campaign highlighting the dangerous impact exposure to alcohol is having on children through marketing and advertising

As Everyday News is used by all ages especially children to and from school a lot of which are not accompanied by an adult the alcohol would be in full sight and access.

Sherburn Village already has 2 pubs 1 club and 2 off licenses and no where near 100,000 population I feel there is more than enough outlets for the sale of alcohol.

2. Prevention of crime and disorder.

Sherburn village has some issues with antisocial behaviour and underage drinking which is being targeted by local beat team with regular confiscations of alcohol.

Research has shown that alcohol outlets are related to prevalence of assaults; 1 outlet = 3.4 additional assaults.

No-one lives on site of Everyday News and the adjoining houses is also unoccupied

The rear of the shop could be easily accessible via garden wall from adjoining open pub beer garden and car park making the risk of break-ins possible.

3. Public Safety.

The shop is on a very busy road with no parking available for any additional customers there are already parking problems as there is a bus stop opposite, a traffic island and is only 30 meters from a busy mini roundabout.

Therefore more parking will result in further congestion, obstruction and possible hazard to both vehicles and pedestrians

From: EMMA MOORE [REDACTED]
Sent: 09 May 2013 15:48
To: Neighbourhood Services Licensing

Re Licencing Application Sale of Alcohol
Mr Barry Seymour
Premises -Everyday News 19a Front Street Sherburn Village Durham

Dear Sirs

I am writing to raise my objections to the sale of alcohol from the above premises. I am a resident of Sherburn Village my current adress being [REDACTED] Alston Walk Sherburn Village DH6 1JU.

The reasons for my objections are as follows :-

1. Parking concerns. The premises is situated on the main road through sherburn village and already cars park on the front street causing restricive viewing and as it is upon approach to the roundabout in the middle of the village i feel that the late licence for the sale of alcohol will increase the traffic flow problems.
2. the premises is situated next door to The Lambton Arms Pub, and directly oposite the The Cross keys Pub and The Co-Op Store all of which sell alcohol and are open until late - another premises selling alcohol in such close vacinity to these already open is not needed.
3. In the village we already have a problem with youngsters collecting on the front street in the evenings and I personally feel that the sale of alcohol and keeping the shop open later will encourage these youngsters and certainly attract them to hang around even more - last summer i was approached myself numerous times to purchase alcohol for these youngsters> whilst i am young and was able to decline without incidence I feel that some older residence will be intimidated by the gathering youngsters that I know this will attract

I sincerely hope that my objections will be taken into account when making the final decision with regards to this Licence I know I am not alone with my concerns, the community is working hard to make and maintain our Village as nice and safe area and I feel that this will be taking a step backwards.

Yours faithfully
Mrs Emma Black

APPENDIX 5 – MEDIATION AGREEMENT

LICENSING ACT 2003

TO: The County Council of Durham as the Licensing Authority.

I BARRY SEYMOUR agree to add the following conditions to the licence application for 19A FRONT STREET SHERBURN VILLAGE.

The Prevention of Crime and Disorder

- Challenge 25 will ensure only persons of lawful age will be able to purchase alcohol from our premise. Photo ID only (PASS logo card / photo driving licence / passport)
- Visual inspection, and personal interaction with customer, will enable staff to determine if the customer is fit to be sold alcohol. If staff believe person to be intoxicated with drink or drugs they will be refused
- CCTV has already been installed and will be maintained to home office standards. Two further cameras will be installed on the outside of the premise that will cover outside the front of the premise. Recordings will be stored for a minimum of 28 days
- A member of staff will be available at all times the premises is open to download CCTV footage when requested by an authorised officer
- Notices will be clearly displayed at entrance and around the premise stating CCTV is in operation
- Persons known to be, or suspected of buying on behalf of children will be refused and reported to the Police.
- External lighting will be installed, if required by Licensing Authorities, and will be in full working order
- Alcohol will be solely merchandised behind the serving counter area. No alcohol will be merchandised where members of the public can freely access it. A revised plan of the merchandising area will be submitted to Durham County Council

NOT PROTECTIVELY MARKED

Public Safety

- Good housekeeping procedures in place. This will include that the front of the premise is kept clean and free from rubbish
- Where a Shop-watch exists, the premise will be an active member of Shop-watch, and will attend meetings, and join activities
- Maintain an incident book, and record and report all instances of disorder

The Prevention of Public Nuisance

- Good housekeeping procedures in place. This will include that the front of the premise is kept clean and free from rubbish
- The DPS will be responsible for ensuring that groups of young people are discouraged from congregating outside the premise. The DPS will actively work with local Beat Officers/PCSO's in the reporting of any ASB connected to the premise.

The Protection of Children from Harm

- Challenge 25 will be enforced. Refusals will be logged, along with any behavior associated with the refusal
- Persons known to be, or suspected of buying on behalf of children will be refused and reported to the Police
- We will display signs and adhere to the law regarding alcohol and children
- If concerns arise about a child we will contact the Police for advice/assistance and not make our own investigations or conclusions

Signed: [REDACTED] (Applicant)

Title: OWNER D.P.S

Full Name: BARRY SEYMOUR

Date: 30/4/13

Signed: [REDACTED] (Responsible Authority)

Title: PCSO 7486

Full Name: MURIN HATCH

Date: 30/4/2013

FORM NEEDS TO BE SIGNED BY ALL INTERESTED PARTIES AND THE APPLICANT, ONE FORM CAN BE USED FOR ALL OR EACH HAVE INDIVIDUAL ONES.

NOT PROTECTIVELY MARKED

APPENDIX 6 – SECTION 182 (RELEVANT)

CRIME AND DISORDER

- 2.1 **Licensing authorities should look to the police as the main source of advice on crime and disorder.** They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 **In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible** and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 **Conditions should be targeted on deterrence and preventing crime and disorder.** For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 **The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas** with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.
- 2.6 **Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences.** The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare

circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence.

12 Amended guidance issued under Section 182 of the Licensing Act 2003 and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

PUBLIC SAFETY

2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.9 A number of matters should be considered in relation to public safety.

These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.13-2.15, and Chapter 10; and

- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.34-8.42), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

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

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

Maintenance and repair

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

Safe capacities

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

2.14 **It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is**

- drunk.** This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.
- 2.15 **The special provisions made for dancing in section 177 of the 2003 Act apply only to premises with a “permitted capacity” of not more than 200 persons.** In this context, the capacity must be where the fire and rescue authority has made a recommendation on the capacity of the premises under the 2005 Order. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.16 Whilst the Cinematograph (Safety) Regulations 1955 (S.I 1955/1129) – which contained a significant number of regulations in respect of fire safety provision at cinemas – no longer apply, authorisations granted under Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering applications for variations, minor variations, and the grant of licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1995 Regulations.
- 2.17 Public safety includes the safety of performers appearing at any premises.

PUBLIC NUISANCE

- 2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major

- disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.20 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises.** This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.21** As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods.** For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.
- 2.23** Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.24 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law.** An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

PROTECTION OF CHILDREN FROM HARM

2.25 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

2.26 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.27 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.28 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.

Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.29 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.30 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;

- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.31 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions Order) 2010.
- 2.32 Licensing authorities should give considerable weight to representations about child protection matters.**
- 2.33 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.34 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.35 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. For example, where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Statutory Licensing Sub-Committee

Friday 31st May 2013 (3)

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



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

Name and Address of Premises: Golden Pizza, 40 Front Street,
Consett, Co Durham, DH8 5AL

1. Summary

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

Mr Ehsan Teymouri
40 Front Street
Consett
Co Durham
DH8 5AL

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

2. Details of the Application

On 8th April 2013 the Licensing Authority received an application for a grant of a premises licence from Mr Teymouri and a copy is attached as Appendix 2.

The applicant's solicitor submitted an amendment to the application on 30th April 2013 changing the proposed closing time on Friday and Saturday to 2.30 hrs. A copy of the letter showing the amended closing time is attached as Appendix 3.

The details of the application for the grant of a premises licence are now as follows:

Opening hours of the premises

Monday to Thursday – 10.00 to 23.59
Friday & Saturday – 10.00 to 02.30
Sunday – 10.00 to 23.59
Bank Holidays – 10.00 to 02.30

Late Night Refreshment - (indoors)

Monday to Thursday – 23.00 to 23.59

Friday & Saturday – 23.00 to 02.30

Sunday – 23.00 to 23.59

Bank Holidays – 23.00 to 02.30

The application has been advertised on the premises and in the local press as prescribed.

3. The Representations

The Licensing Authority received one representation from an 'other person' attached as Appendix 4.

Also an anonymous letter not amounting to a representation was received. The letter is not considered to be a relevant representation as it does not relate to any of the licensing objectives. A copy of this correspondence is attached for information at Appendix 5.

Mr Teymouri and Durham Constabulary entered into successful mediation and as a result the applicant agreed to add extra conditions to his application. Details are attached at Appendix 6.

There were no representations from any Responsible Authorities.

The representation relates to the following objectives:

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

On 17th May 2013, Mr Teymouri submitted an additional statement and three letters from local businesses to support his application for a premises licence. Copies of these documents are attached at Appendix 7.

4. The Parties

The Parties to the hearing will be:

- Mr Teymouri - applicant
- Ms Pudwell - other person

5. Durham County Council Statement of Licensing Policy

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

- Section 5.0 - Prevention of Crime and Disorder
- Section 6.0 - Public Safety
- Section 7.0 - Prevention of Public Nuisance

Relevant information is attached as Appendix 8.

6. Section 182 Guidance

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

- 2.1 – 2.7 Prevention of Crime and Disorder
- 2.8 – 2.17 Public Safety
- 2.18 – 2.24 Prevention of Public Nuisance

7. For Decision

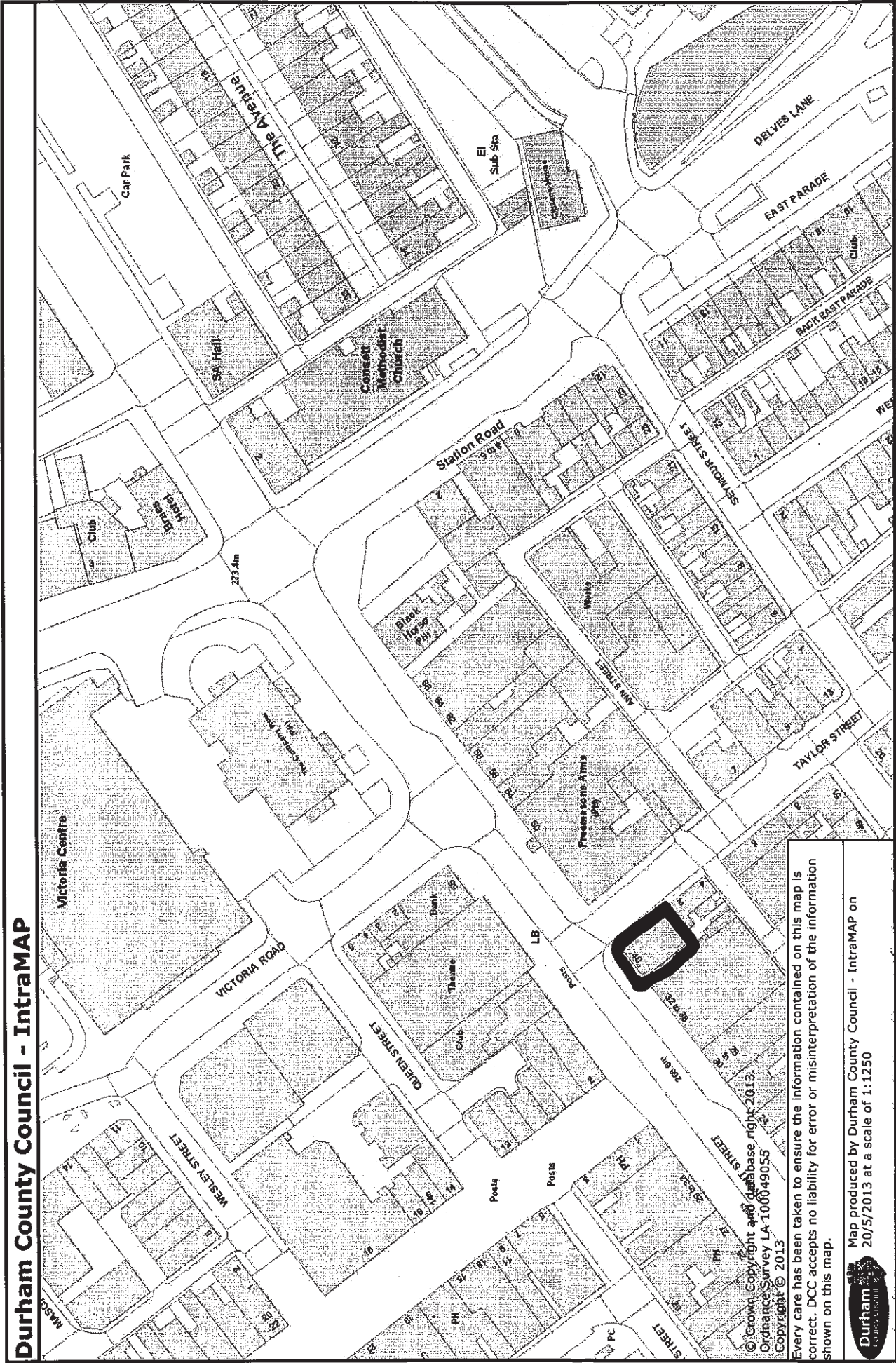
The Sub-Committee is asked to determine the application in the light of the above having regard to the application, the representation, the applicant's additional information and the mediation between the applicant and Durham Constabulary.

Background Papers:

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

Contact: Karen Monaghan Tel: 03000 265104
Email: karen.monaghan@durham.gov.uk

APPENDIX 1 – LOCATION PLAN



APPENDIX 2 – APPLICATION

WS 00 44 11
£190.00

03 6/8

[Insert name and address of relevant licensing authority and its reference number (optional).]

DURHAM COUNTY COUNCIL

DURHAM COUNTY
LICENSING

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We EH SAN TEYMOURI
(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			
40 FRONT STREET CONSETT CO DURHAM			
Post town	CONSETT	Postcode	DH8 5AQ

Telephone number at premises (if any)	01207 437171
Non-domestic rateable value of premises	£ 6,800 -00

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)

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

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <i>KEYMOURI</i>			First names <i>EHSAN</i>		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		<i>as premises address</i>			
Post town		Postcode			
Daytime contact telephone number		<i>01207 437171</i>			
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01		2003

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

DD	MM	YYYY

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

The premises are the downstairs section of a two storey building on the corner of Front Street & Taylor Street in Carristown Centre. The premises are in the course of being fitted out as a hot food takeaway shop.

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

no

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

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

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

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

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

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

D

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

E

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

F

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

G

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

I

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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	23.59	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	10	23.59		N/a.	
Wed	10	23.59	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	10	23.59		None	
Fri	10	0400	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	10	0400 <i>Saturday</i>		<i>Should any of the days in the left column be a Bank Holiday then it is proposed the premises remain open until 11am the next day</i>	
Sun	10	23.59 <i>Sunday</i>			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue					
Wed					
Thur			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

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

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	<i>None</i>
Mon	<i>10</i>	<i>23-59</i>	
Tue	<i>10</i>	<i>23-59</i>	
Wed	<i>10</i>	<i>23-59</i>	
Thur	<i>10</i>	<i>23-59</i>	
Fri	<i>10</i>	<i>0400</i> <i>Saturday</i>	
Sat	<i>10</i>	<i>0400</i> <i>Sunday</i>	
Sun	<i>10</i>	<i>23-59</i>	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
			<i>None</i>

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

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

The Applicant is aware of the objectives + will take all steps to ensure they are promoted

b) The prevention of crime and disorder

The premises entered has been designed to protect staff + ensure the peace + good order of the premises. Security cameras are installed at the front of the premises

c) Public safety

The premises + the business will be run by the Applicant. There will be minimal staff but such staff will be trained in public order matters.

d) The prevention of public nuisance

Warning notices will be affixed to the premises setting out the premises conditions regarding public nuisance. Additional bins will be provided to take up waste paper produced by the shop

e) The protection of children from harm

The proprietor & staff will discourage children from attending the premises unless accompanied by an adult. All staff will be CP checked

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee. 190.00
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.




IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	
Date	<i>27 March 2013</i>
Capacity	<i>Applicant's Solicitor</i>

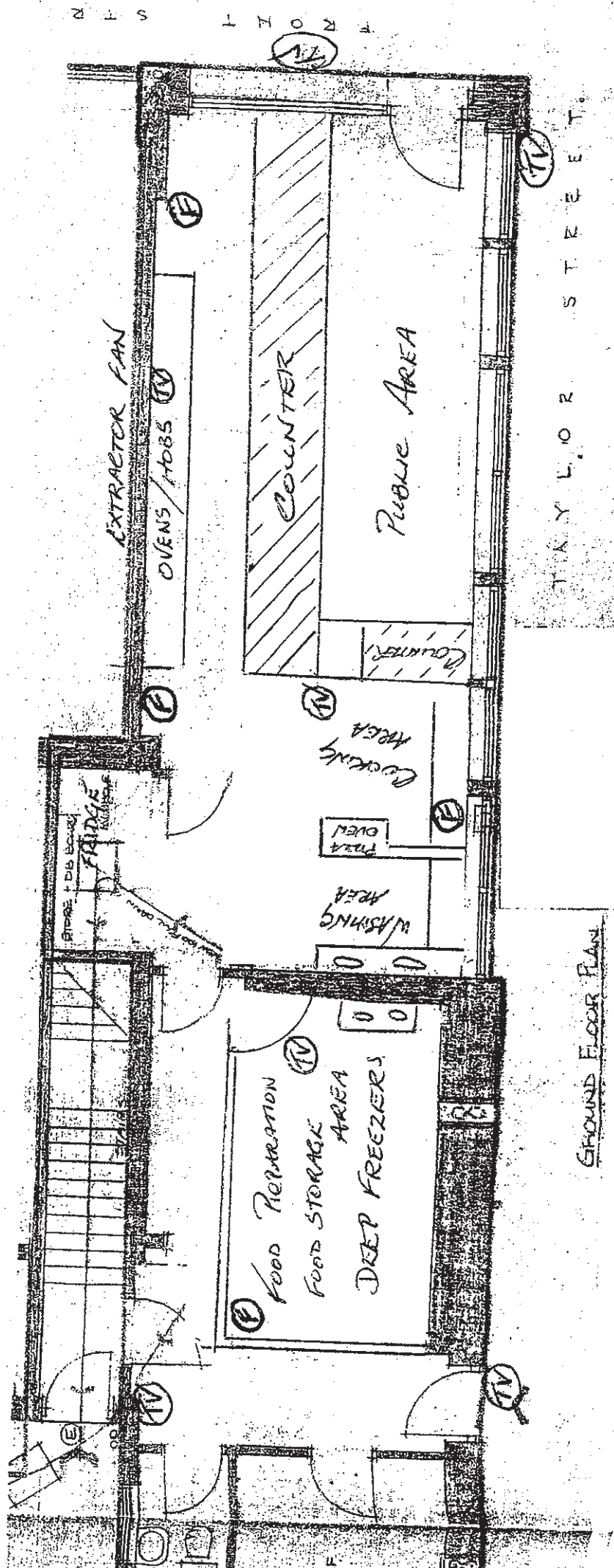
For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Giles Hunter Partnership 16 Victoria Road Consett			
Post town	CONSETT	Postcode	DL18 5BQ
Telephone number (if any)	01207 590285		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. 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 the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
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 or 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, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



ⓔ Fire Extinguisher

Ⓥ TV Camera

APPENDIX 3 – SOLICITOR’S LETTER



THE
GILES HUNTER PARTNERSHIP
SOLICITORS

DURHAM COUNTY

30 APR 2013

LICENSING

16 Victoria Road
Consett
Co. Durham
DH8 5BQ

Tel: 01207 590285 DX 61934 CONSETT

Fax: 01207 581 647

Web Address: <http://www.ghplaw.co.uk>

E-mail: info@ghplaw.co.uk

Date: 29th April 2013 Email: [REDACTED]

Our Ref: GCH/Teymouri

Your Ref

Durham County Council
Environment Health and Consumer Protection
PO Box 617
Durham
DH1 9HZ

Dear Sirs

Re: Premises License Application – 40 Front Street Consett

We refer to our Licensing Application on behalf of our client Mr Ehsan Teymouri in connection with his Takeaway Premises at 40 Front Street, Consett.

We enclose herewith the extract from the local Advertiser containing the Licensing advertisement.

We confirm that as from the 11th April 2013 we have tried to display two Notices on blue paper relating to this application. As the premises are in the course of renovation we have affixed these Notices to the shutters with one Notice appearing on the shuttering in Front Street and the other Notice around the corner in Taylor Street. So far three Notices have been put up and vandals have removed three Notices. On the last occasion one Sunday evening the writer took a set of ladders up to put the Notices back up again as high as possible on the shutters but still they have been torn off. The last Notice was torn off on the evening of the 25th April. Our client is doing his best to replace these Notices as fast as they are removed.

We have discussed matters further with Mr Teymouri and he has instructed us to write confirming that he now only wishes to keep the premises open until 2.30 am in the morning and we would be grateful if you could amend his application accordingly.

Yours faithfully,
Giles Hunter
The Giles Hunter Partnership

Partners:
Giles C. Hunter
John D.U. Sheehan

Assistant Solicitor:
Jeremy J Sheehan

Property Department:
Lynda Sheehan

Practice Manager :
Brian Dancer

APPENDIX 4 – REPRESENTATION

 Taylor Street
Consett
Durham University
DH8 5RS

To whom it may concern,

I would like to object to the license for the selling of hot food after 11:00pm for consumption off the premises at 40 Front Street, Consett, Durham, DH8 5AQ.

I am a home owner on Taylor Street and am terribly concerned about the noise, litter and anti-social behaviour these additional opening hours will bring.

I have one small child and another on the way and both those bedrooms are on the side of the street where they are/will be disturbed by the people hanging around outside the take-away. This issue has already been vastly increased by the Councils decision to allow permission for two taxi businesses to operate side by side on a mainly residential street.

I believe that this new business will lead to people standing outside between the two taxi offices and takeaway shop at the top of my street increasing the noise, litter, fighting and shouting that we experience on a regular basis.

I also can't understand why the council would approve another takeaway business in the first place, never mind on late opening hours. There is a saturation of premises that sell hot take away food for consumption off the premises before and after 11pm in Consett Town Centre.

As the council/licensing committee continue to bring more and more late night business onto this residential street they are increasing the risk of anti-social behaviour for the residents of the street.

I would ask the licensing committee to consider how they would like to wake up with a half-eaten kebab on their windowsill or a half-eaten pizza on the floor outside their house on a regular basis. I'd like to think that some lessons have been learned about listening to public opinion following the Red Velvet drug issue.

Kind Regards,



DURHAM COUNTY COUNCIL
NEIGHBOURHOOD SERVICES

07 MAY 2013

APPENDIX 5 – ANONYMOUS LETTER

Licensing Authority

Durham County Council

P.O. Box 617

Durham DH1 9HZ

DURHAM COUNTY

7 MAY 2013

LICENSING

Date 2-May 2013

Dear Sir or Madam

Further to Durham Licensing Authority Notice for a late night (after 11 pm) application for sale of hot food by an applicant named as Ehsan Teymouri for the property at No 40 Front street Consett Co. Durham DH8 5AQ.

To start, for the reason I or my business may be victimised by the applicant or his friends I preferred to write this objection letter without providing my name or address. However for your information I have a hot food shop in a close vicinity of this shop which is currently applying for late night opening license. But despite that this is an unnamed letter, I expect you would be able to consider my strong objection for the reasons stated below despite my situation.

I strongly object to this application and would like to ask the authorities to refuse such permission.

I am unhappy that this applicant deliberately hidden the written notice by the authority which must be on clear view outside his premises for public to see and I have only accidentally found out about this application. This notice has been put up only during the last few days and that it was positioned on the shop shutters where it can not be seen while shutters are up during day time business and can only be seen after 12 pm when shop is closed and public are in bed, and to make it worse this notice has been put on the shutter at such a height where only a person with a ladder was able to read it. I trust similar trick must have been applied with respect of the application for the A5 License which was granted to this shop recently. The Authorities notice for the A5 licensing was an invisible one to the public too and I know for fact that the owners of no other hot food businesses in the surrounding area seen that or this notice. I gather this kind of activity is unlawful and unfair to those who should know about such application giving them a chance to object if it affects their livelihood or business by creating unreasonable level of competition.

The other reason for my objection is that already there are 7 hot food takeaways (for the exact same type of food on sale by this new applicant) with late night opening on the Consett front street on a stretch of less than quarter of a mile in addition to many more hot food takeaways in the surrounding area of less than 1/2 a mile (ie. Middle street, John street, Medomesley street etc). The area is well saturated with hot food takeaways for a small town of Consett and considering the bad economical situation almost every existing businesses are finding it hard to survive and I hope it is the responsibility of the council to ensure existing business can manage before issuing new licenses for any more hot food premises to open in particular with late night opening and make a bad situation worse. For your information over the past few months 4 premises including this shop managed to obtained A5 licensing to sale hot food (pizza shops) in a short walking distance from each other in the Consett town centre. As a business owner which his business is in a collapsing

situation as I write you this letter due to level of competition for the same kind of the business in the area I am urging the authorities to at least reject this application for the late night opening to help the other businesses who have licences already to survive. Also that this applicant failed to comply with your requirement in the way he has displayed the notification notice and the duration that it was displayed where he knows well if others find out the level of complaints would be numerous. I can assure you that Consett for a foreseeable future does not require any more hot food premises and before long some of existing one will go out of business being disappointed with the council and regretful that they have decided to bring their businesses to Consett at all which surely would have a negative effect on the town reputation.

Many thanks for considering this objection letter and hope it would help you to make a better decision for everyone.

Best regards

From Owner of a hot food shop in vicinity of the applicant shop

**APPENDIX 6 – APPLICANT'S
ADDITIONAL CONDITIONS**

Operating Schedule / Licensing Objectives

Premise – Unknown name, 40 Front Street, Consett.

Applicant – Mr Ehsan Teymouri

A) General

- We will hold the 4 objectives in high regard and will strive to keep staff fully trained on all of our policies and procedures. All training records will be made available to officers when requested.

B) The prevention of crime and disorder.

- A CCTV system will be fully installed and working prior to the premise opening for business, it will be of a good working order and fully maintained to a high standard.
- The CCTV system will cover the inside and outside of all exits and entrances to the premises, this is to include any rear doors, rear yards and outbuildings which are attached to the premises, the point of sale and any part of the building which the public have access to.
- All footage will be kept on the system for at least 31 days and will be made available to officers and responsible authorities when requested to do so.
- All staff will be trained to operate the CCTV system, this is to include viewing and downloading of the system.
- An operational daily log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

C) Public safety

- Fire exits and equipment clearly marked.
- Aware of requirements regarding health and safety
- First aid facilities will be available
- An incident log will be kept at all times

D) The prevention of public nuisance

- Signage will be displayed encouraging customers to leave quietly.
- Staff from the premise will regularly check and clean up litter to the front and side of the premise left by customers; this is to include the close of business.

I EHSAN TEYMOURI agree to have all the above conditions added to my licence application.

Signature - 

Date - 26 April 2013

**APPENDIX 7 – APPLICANT’S ADDITIONAL
INFORMATION**



THE

GILES HUNTER PARTNERSHIP

SOLICITORS



16 Victoria Road
Consett
Co. Durham
DH8 5BQ

DX: 61934 - Consett

Tel: 01207 590 285

Fax: 01207 581 647

Web Address: <http://www.ghplaw.co.uk>

E-mail: info@ghplaw.co.uk

Date: 16 May 2013

E-mail: [REDACTED]

Our Ref: GCH/JN/TEYMOURI

Your Ref:

Carol Graham
Licensing Assistant
Durham County Council
Environmental Health and Consumer Protection
PO Box 617
Durham
DH1 9HZ

DURHAM COUNTY
17 MAY
LICENSING

Dear Ms Graham

Re: Premises Licence Application
40 Front Street, Consett

I refer to our telephone conversation regarding the application by our Client Ehsan Teymouri for the licence on the above premises.

I understand that two objections have been received (one of them anonymous) and the matter will now have to be the subject of a hearing before the appropriate Council Committee.

X At the time of dictating this letter I have not been notified of a date for this hearing but understand that it could be towards the end of this month.

I have discussed matters with Mr Teymouri and he has decided that he would wish to attend the hearing in person without any legal representation.

The difficulty of Mr Teymouri is that his English is not particularly good and on that basis I have drafted a statement which he has read through and signed and which I enclose with this letter.

Mr Teymouri will be bringing another copy of the statement with him to the hearing.

You will note that Mr Teymouri has asked me to attach to that statement some letters from local residents/occupiers supporting his application.

Partners:
Giles C. Hunter
John D.U. Sheehan

Assistant Solicitor:
Jeremy J Sheehan

Property Department:
Lynda Sheehan

Practice Manager:
Brian Dancer

*This Firm is Authorised and Regulated by the Solicitors Regulation Authority
SRA Ref: 386415*

I would be grateful therefore if the statement and the accompanying letters could be circulated to the Committee Members before the hearing and Mr Teymouri will be there to answer the questions that might be raised. I have suggested to Mr Teymouri it would be in his interest to be accompanied by an interpreter and he has agreed to this.

If you have any queries please do not hesitate to contact me.

Yours faithfully



Giles C Hunter
The Giles Hunter Partnership

* Case now received non final
31/5/13 @ 1pm



Partners:
Giles C. Hunter
John D.U. Sheehan

Assistant Solicitor:
Jeremy J Sheehan

Property Department:
Lynda Sheehan

Practice Manager:
Brian Dancer

*This Firm is Authorised and Regulated by the Solicitors Regulation Authority
SRA Ref: 386415*

LICENSING ACT 2003

40 Front Street, Consett, Co Durham DH8 5AQ

I EHSAN TEYMOURI c/o 40 Front Street, Consett, Co Durham will say:-

1. I am making this statement in support of my application for a Licence to sell hot food at 40 Front Street, Consett from 11.00 pm until 2.30 am.
2. I understand that there have been two objections to my application and that the Council now wish to decide whether my application can be granted. I am making this written statement, as my standard of English is not good at the present time.
3. I submitted my application on 4 April 2013 and on 11 April 2013 I affixed two Notices of my application to the exterior of the premises. At that particular time I was in the process of renovating the premises so that during the day the shutters at the front (Front Street) were up but the shutters down the side of Taylor Street were permanently down and locked. Accordingly one Notice was fixed to the exterior of the window on Front Street and the other Notice was fixed to the exterior of the locked shutters on Taylor Street.
4. After a few days I noticed that both Notices had been removed.
5. I assume that the Notices had been removed by drunks and/or vandals and I immediately notified my Solicitor that both Notices had been removed. My Solicitor then came round with two new Notices and a set of ladders. A replacement Notice was put in the window and another Notice was again fitted to the exterior locked shutters on Taylor but this time higher enough to ensure that passers by would not be able to tear it off but low enough so that hopefully it could still be read by interested parties. This Notice was secured to the shutters by heavy black gaffer tape.

6. Within a few days the Notices on the shutters had again been removed with such force that it split the gaffer tape in two. I carried out a search of the street to find the remains of the gaffer tape attached to the windscreen of a nearby parked car but to my surprise there was no sign of the Notices.
7. My Solicitor supplied me with two further copies and once again these were affixed to the shutters where they have remained.
8. I firmly believe that whoever has been removing these Notices have some interest in ensuring that my application appears unsuccessful.
9. With regard to the objections I have read the anonymous letter dated 2 May 2012 and note that it contains a complaint that the Notices were positioned too high to be read and would be impossible to be seen while the shutters are up. I can only confirm my previous statement that the Notice on the shutters could be seen 24 hours a day because those shutters were never opened during the relevant period. The other Notice was easily visible when the shutters were up in any event. The remainder of the letter seems to be a complaint about the competition, which is not a valid ground for objection.
10. The complaint by [REDACTED] seems to be a complaint about the planning policy of Durham County Council rather than an objection against my opening hours. It complains about the planning permission granted to the taxi businesses in Taylor Street but it does nevertheless contain relevant points about public order issues.
11. I confirm that I will use my best endeavours to ensure that there are no public order issues. I have TV cameras outside the premises and I am happy to provide rubbish receptacles outside the premises so that there is not an increase in rubbish in the area. Additionally I would state that Taylor Street is not a main thoroughfare and most of my customers will be walking up and down Front Street rather than going down to the end of Taylor Street.

12. I would ask the Council to grant my application.


.....
EHSAN TEYMOURI

DATED 17.05.2013

for all your needs

To Whom it may concern.

After meeting Ehsan Teymouri on business terms we supplied and fitted his Business Golden Pizza with high a quality cctv system for the protection of himself his staff and the general public.

And this system has 4 cameras outside 1 facing down front street, 1 facing up front street and 2 cameras on Taylor Street same as before 1 facing down and 1 facing up.

This system is working 24/7 and this system unlike other shops we have noticed does not have any cctv at all.

Golden pizza cctv now contributes to the safety of the general public in consett especially in darkness hours where the cameras are recording movements to and fro up these 2 streets which in turn could very well help the police in solving a crime in this area as the material is being recorded 24/7 and can be viewed at a later date.

The system we monitor our selves from time to time as this system can be viewed on the internet from anywhere in the world where there is either 3G or wifi connection.

And about the business itself Ehsan Teymouri turned this pizza shop into something to be proud of this shop looked run down and blocked up as it stood there unoccupied for some time with its shutters down.

After sampling the food from this store myself I have to say its up there with the best of any shop in consett. hygiene is second to none I would give it top marks for this you could really eat your food off the floor.

Himself and his staff are constantly looking after the premises and outside the door making sure everything is kept as it should be.

After seeing all this I for 1 will be using his shop for our takeaway foods and closing this store at 11pm will not do him justice and the local community as we all like to eat after we have been out on weekends.

Regards.


Aerials Northeast

Aerials Northeast • 22 Romany Drive, Consett

• Mobile: 07768 559625 • • ian@aerialsnortheast.co.uk • www.aerialsnortheast.co.uk

L & M Taxis

4 Taylor Street Consett, Co Durham, DH8 5RQ
Telephone: 01207 50 60 18. Mobile: 07506737521.
Email: lmtaxis@gmail.com

Dear Sir,

There has been a taxi office operating from 4 Taylor Street for over 20 years transporting the general public home, we have operated L & M Taxis from number 4 Taylor Street alongside Jacksons Taxis who operate from number 6 Taylor Street. Both taxi firms do their best to keep the noise levels down on a weekend and clean up after the public i.e. pizza boxes, cigarette ends etc. etc.

Having another takeaway is not going to make any difference to the noise level or the rubbish in Front Street.

We have agreed with the new occupier of 40 Front Street to work together to keep the street clean and tidy and again the noise level at a minimum.

Even though a new Take Away has opened this does not automatically mean that the population of people in Consett on a Friday and Saturday night increases, therefore the amount of rubbish is no greater.

The new Take Away will only improve Consett and bring new jobs to the area. As Consett is rapidly developing I do not see a late license being an issue and at the end of the day if it contains the drunk punters and stops them wandering the streets damaging properties surely this can only be a good thing, having worked with Durham Constabulary for 6 months fighting against property damage and drunken behavior, we feel as a company already in possession of a late license that this will help in the prevention.

The CCTV fitted by the licensee of 40 Front Street will again help the local constabulary in the prevention of crime.

Yours sincerely



Mark Pearson

[REDACTED]
[REDACTED] palmerston st

Consett

Co Durham

DH8 5RF

Dear Sirs

As a local home and business owner I have no objection to the new golden pizza having a later licence. Since the opening of this shop myself, my staff and my clients have all commented on the improvement of cleanliness and hygiene in the far end of the street which has improved appearance greatly. The new owners are always out ensuring the all rubbish, litter etc. is cleared and are washing the whole street down shutters etc. also picking up cigarette ends etc. This establishment having a later licence in my eyes would cause no more disruption than the extra taxi office has that was allowed to open which continue to park outside our home on occasions mini buses being left from l&m taxis over a weekend. I know living in such a area I expect people to park but some take it to the extreme. Staff from Lloyds TSB come first thing on morning and park all day sometimes blocking the corner for wagons etc. also for my private vehicles and clients And I know that the car parks in consett are limited but I have also checked myself and I know that the car parks are not full at 8.15 am my own staff can't even get parked outside my shop for bank workers and also the council workers from the new office on front street. The front street of consett has a number of takeaways open late and I really don't think that golden pizza would cause any more disruption in fact I think it has improved the street greatly already in appearance and attracting people to this end of the town it is a very fresh new clean business which should be given the opportunity to grow and continue with helping to improve the development of the town centre by attracting people and business which is what the area needs. As to noise disruption etc. on o a night it's not going to cause anymore in my thinking and I can see no problems especially when the area is correctly monitored by policing etc. have also noticed the new owners have cctv fitted which is added peace of mind and that the owners take safety very highly into consideration.

Regards [REDACTED]

**APPENDIX 8 - 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.

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

7.0 Prevention of Public Nuisance

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

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

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

7.4 The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway relevant consents will be required. Enquiries for consents should be directed to the Council's Licensing Team. In predominantly commercial areas such as shopping centres the Licensing Authority will normally allow the use of tables and chairs outside but will expect them to be removed before the premises close, and any resulting litter/ debris cleared away.

7.5 Applicants should give consideration to reducing potential noise nuisance by, for example:

- Assessment of likely noise levels in the premises.

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

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

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