

Statutory Licensing Sub-Committee

28th February 2012

Application for the Variation of a Premises Licence



Report of Terry Collins, Corporate Director, Neighbourhood Services

Name and Address of Premises: Bells Hill Service Station, West Rainton, Durham, DH4 6RG

1. Summary

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

KSC Worldwide Ltd
C/O Nick Dickinson
4 Rocky Lane
Heswall
CH60 0BY

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

2. Details of the Application

On 5th January 2012, the Licensing Authority received an application for a variation of a premises licence from KSC Worldwide Limited in respect of Bells Hill Service Station. A copy of the application is attached as Appendix 2.

The details of the application to vary a premises licence are as follows:

Existing Premises Licence	Variation Application
<u>Opening hours</u> None recorded	<u>Opening hours</u> Monday to Sunday – 00.01 to 00.00
<u>Sale of Alcohol (off the premises)</u> Monday to Saturday 08.00 to 23.00 Sunday 10.00 to 22.30 Christmas Day 12.00 Noon to 15.00 Christmas Day 19.00 to 2230 Good Friday 08.00 to 22.30	<u>Sale of Alcohol (off the premises)</u> Monday to Sunday – 00.01 to 00.00

The applicant has proposed additional steps that are intended to be taken in order to promote the four licensing objectives which are outlined under Part P of the application form.

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

3. The Representations

The Licensing Authority received one representation in relation to the variation of a premises licence application from an Interested Party. This is attached as Appendix 3.

The representation undermines three of the licensing objectives, namely, the prevention of crime and disorder, public safety and the prevention of public nuisance.

The Licensing Authority deemed the representation to be relevant.

There were no representations received by any Responsible Authorities.

4. Mediation

Mr Dickinson, the applicant's agent, communicated with the interested party in an attempt to outline how the premises would be managed and to try and alleviate any concerns. Members will be updated on the day of the hearing of the outcome of any mediation.

5. The Parties

The Parties to the hearing will be:

- Nick Dickinson on behalf of KSC Worldwide (Applicant)
- Michelle Collins representing West Rainton and Leamside Parish Council (Interested Party)

6. Durham County Council Statement of Licensing Policy

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

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

7. 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 Crime and Disorder
- 2.19 Public Safety
- 2.32 Public Nuisance

8. For Decision

The Sub-Committee is asked to determine the application in the light of the above having regard to the application, the representation received and any mediation between the Applicant and the Interested Party.

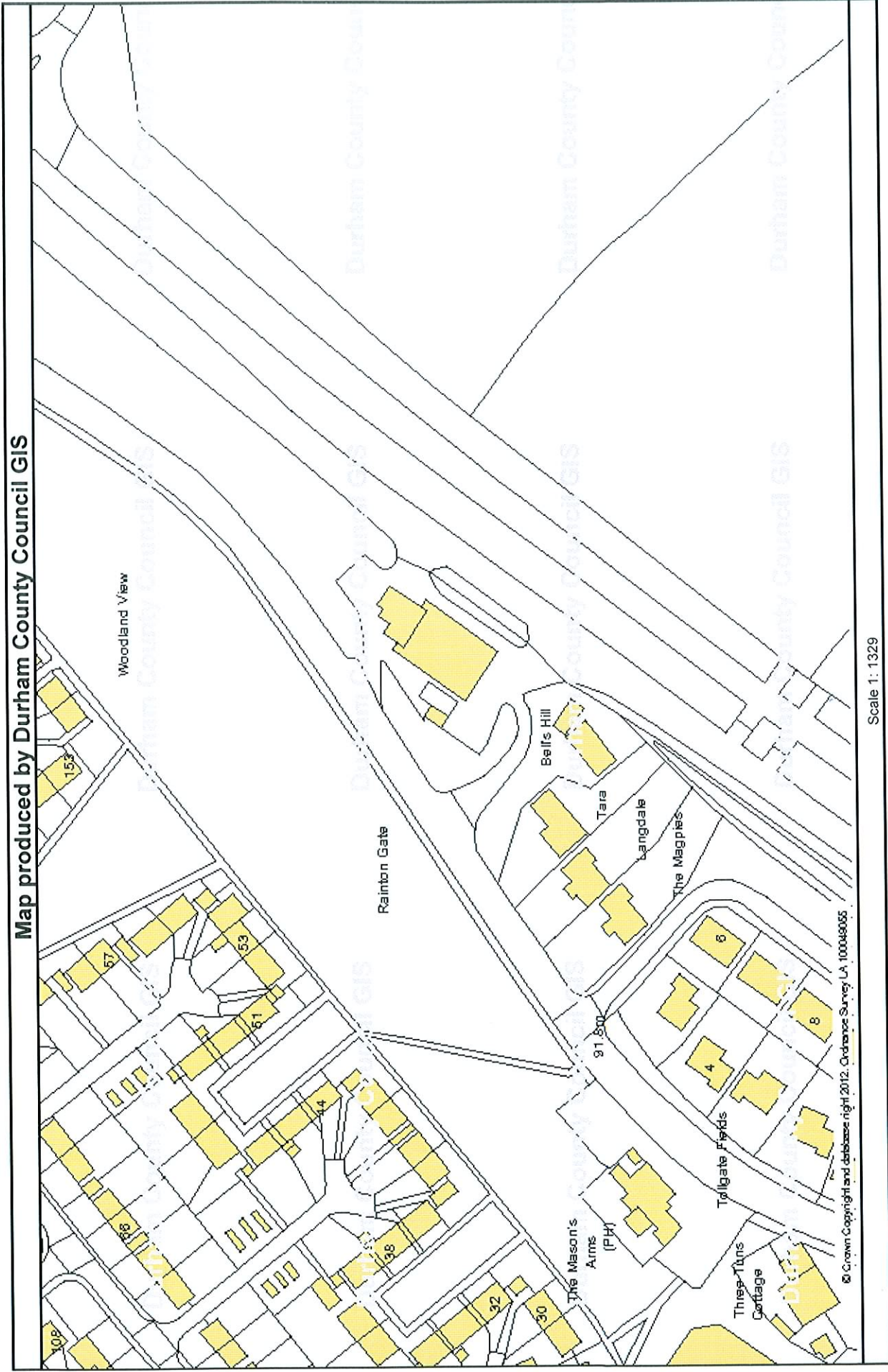
Background Papers:

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

Contact: Karen Monaghan Tel: 0191 3018236
Email: karen.monaghan@durham.gov.uk

APPENDIX 1 – LOCATION PLAN

Map produced by Durham County Council GIS



Scale 1: 1329

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APPENDIX 2 – APPLICATION FORM

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We KSC Worldwide Ltd

(Insert name(s) of applicant)

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

Premises licence number LAPREG/05/0505
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Bells Hill Service Station West Rainton			
Post town	Durham	Post code	DH4 6RG

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<i>not exceeding £33,000</i>

Part 2 – Applicant details

Daytime contact telephone number	0151 342 6482		
E-mail address (optional)	nick.dickinson@ndlicensing.co.uk		
Current postal address if different from premises address	Orchard Chambers 4 Rocky Lane		
Post Town	Heswall	Postcode	CH60 0BY

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day		Month		Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
To vary the times the sale of alcohol may take place to 24 hours per day, seven days per week.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

- 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 entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <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 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			<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)
Thur			
Fri			
Sat			
Sun			

D

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

F

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

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

J

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

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be 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 the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (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)		
Mon	0000	2359			
Tue	0000	2359			
Wed	0000	2359			
Thur	0000	2359			
Fri	0000	2359			
Sat	0000	2359			
Sun	0000	2359			
			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)		

N

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

N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0000	2359	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)
Tue	0000	2359	
Wed	0000	2359	
Thur	0000	2359	
Fri	0000	2359	
Sat	0000	2359	
Sun	0000	2359	

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

Please tick yes

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

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

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

The site will use the "night pay" system of operation whereby at 2200 hours the entrance door(s) will be locked shut and remain so until 0800 hours. During the hours the system is in place there will be no access to the interior of the premises by members of the public and all purchases of goods including alcohol will be made solely via the night pay hatch. The Challenge 25 protocol will be observed and warning notices to advise generally and young persons in particular the effect of s149 Licensing Act 2003

b) The prevention of crime and disorder

All the presently operated equipment to obviate crime and disorder will continue to be used in conjunction with the night pay system which will make the operation of the premises as secure as is possible.

c) Public safety

Public safety will not be compromised by the proposed alterations indicated.

d) The prevention of public nuisance

Please see above

e) The protection of children from harm

Please see above


Please tick yes

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

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

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	4 January 2012
Capacity	Duly authorised agent for the Applicant.

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

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

Nick Dickinson Licensing Ltd
Orchard Chambers
4 Rocky Lane

Post town	HESWALL	Post code	CH60 0BY
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Telephone number (if any)	0151 342 6482
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)
nick.dickinson@ndlicensing.co.uk

APPENDIX 3 – REPRESENTATION FROM INTERESTED PARTY

From: Michelle Collins [REDACTED]
Sent: 27 January 2012 13:44
To: Helen Johnson
Cc: Jeff Morland
Subject: Belles Hills Service Station

On behalf of West Rainton and Leamside Parish Council please accept this email as the Council's objection to the above licence application.

The Council feel that a 7 day per week 24 hour day licence to sell alcohol is inappropriate for a village of this size and is not needed. If this licence application is allowed to proceed it may also have a detrimental effect on nearby businesses. There are concerns about safety for the staff at the garage and for the safety of the village generally. The potential for 24 hour alcohol will increase the anti social behaviour which is already a problem in the village.

The increase in traffic late at night will cause a disturbance to nearby residents but it is the potential for further antisocial behaviour that greatly concerns the council along with safety issues and the further strain on the police resources.

Michelle Collins Clerk to West Rainton and Leamside Parish Council [REDACTED]