

Statutory Licensing Sub-Committee

27th March 2012

Application for the Variation of a Premises Licence



Report of Terry Collins, Corporate Director, Neighbourhood Services

Name and Address of Premises: Dominos Pizza,
41-43 North Road, Durham, DH1 4SE

1. Summary

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

Marino Foods Ltd
High Clere
Scotland Lane
Horsforth
Leeds
LS18 5SF

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

2. Details of the Application

On 2nd February 2012, the Licensing Authority received an application for a variation of a premises licence from Marino Foods Ltd in respect of Dominos Pizza. 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> Monday to Thursday – 12:00 to 23:30 Friday and Saturday – 12:00 to 00:00 Sunday – 12:00 to 23:30	<u>Opening hours</u> Monday to Sunday – 11:00 to 02:30
<u>Late Night Refreshment</u> Monday to Thursday – 12:00 to 23:30 Friday and Saturday – 12:00 to 00:00 Sunday – 12:00 to 23:30	<u>Late Night Refreshment</u> Monday to Sunday – 23:00 to 02:30

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 nine representations in relation to the variation of a premises licence application from Interested Parties. These are 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

The Licensing Authority have arranged a mediation meeting with the applicant and interested parties and 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:

- Mr Gary Reid / Mr Nick Reynolds - Marino Foods Ltd (Applicant)
- Mr James O'Neill The Bridge Hotel (Interested Party)
- Partners in Hair (Interested Party)
- M T Turrington (Interested Party)
- K Turrington (Interested Party)
- D Loughrian (Interested Party)
- J Hartley (Interested Party)
- C Bell (Interested Party)
- R Britnell (Interested Party)
- B Middleton (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

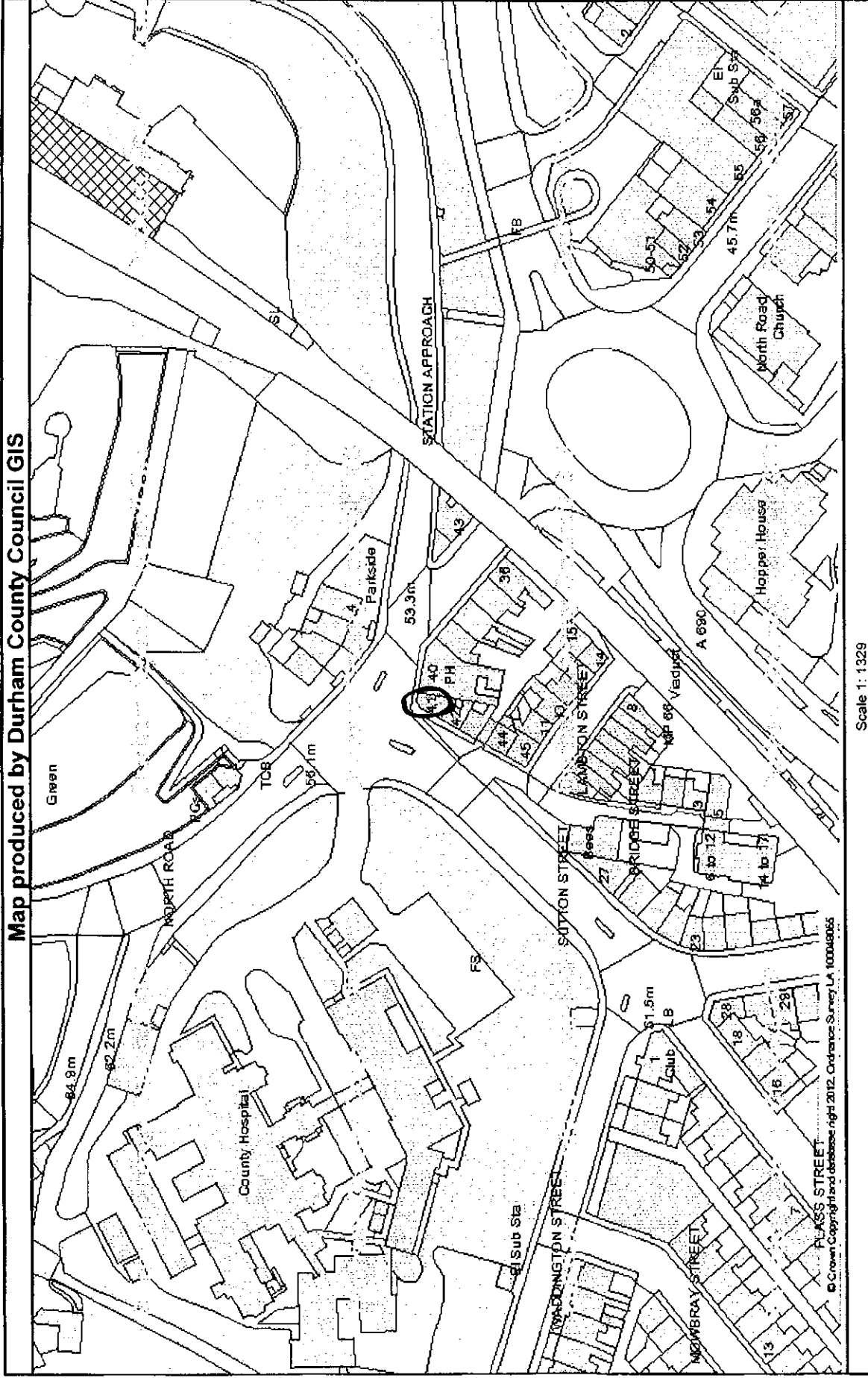
The Sub-Committee is asked to determine the application in the light of the above having regard to the application, the representation received and any mediation between the Applicant and the Interested Parties.

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



APPENDIX 2 – APPLICATION FORM



Durham County Council

Unit 1 Damson Way, Dragonville Industrial Estate, Dragonville,
Co Durham, DH1 2YN Tel: 03000 260727 Fax: 0191 3018678

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form 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 (MARINO FOODS LTD.....) apply for a premises licence under section 17 of the
(insert name(s) of applicant)
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

Name of Premises	DOMINOS PIZZA
Postal address of premises	41-43 NORTH ROAD DURHAM
Postcode	DH1 4SE

Telephone number of premises (if any) 0191 38 44 777

Non-domestic rateable value of premises £ 17,000

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as

- 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 please complete section (B)

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over Yes
Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Mr Mrs Miss Ms Other title (for example Rev)

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over Yes
Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone

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	MARINO FOODS LTD
Address	HIGH CLERE SCOTLAND LANE MORSFORTH LEEDS LS18 5SF
Registered number (where applicable)	50187726
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	<input type="text"/>
E-mail address (optional)	<input type="text"/>

Part 3 – Operating Schedule

When do you want the premises licence to start?

Day Month Year

1	5	0	3	2	0	1	2
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If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year

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

General description of premises (please read guidance note 1) Continue on a different sheet if necessary.

The premises is a Dominos pizza franchise located at 41-43, North Road, Durham, DH1 4SE. It comprises of a standard Dominos store layout of customer area, kitchen area, dry goods store, office, prep area, cold room and toilet. There are three doors to the property at the front, side and back.

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

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

Please Tick

Provision of regulated entertainment

- 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 for:

- j) making music (if ticking yes fill in box I)
- k) Dancing (if ticking yes, fill in box J)
- l) 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)

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings			Will the performance of a play take place indoors or outdoors or both – please tick	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u>		
Mon					
Tues					
Wed			<u>State any seasonal variations for performing plays</u>		
Thur					
Fri			<u>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</u>		
Sat					
Sun					

B

Films Standard days and timings			Will the exhibition of films take place indoors or outdoors or both – please tick	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u>		
Mon					
Tues					
Wed			<u>State any seasonal variations for performing plays</u>		
Thur					
Fri			<u>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</u>		
Sat					
Sun					

C

Indoors sporting events Standard days and timings			
Day	Start	Finish	
Mon			<u>Please give further details</u>
Tues			
Wed			<u>State any seasonal variations for performing plays</u>
Thur			
Fri			<u>Non-standard timings. Where you intend to use the premises for the indoor sporting events at different times to those listed in the column on the left, please list</u>
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		<u>Please give further details here</u>
Tues					
Wed					<u>State any seasonal variations for boxing or wrestling entertainment</u>
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>
Sat					
Sun					

E

Live music Standard days and timings			Will the performance of live music take place indoors or outdoors or both – please tick	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u>		
Tues			<u>State any seasonal variations for the performance of live music</u>		
Wed			<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>		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings			Will the playing of recorded music take place indoors or outdoors or both – please tick	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u>		
Tues			<u>State any seasonal variations for playing recorded music</u>		
Wed			<u>Non-standard timings. Where you intend to use the playing of recorded music entertainment at different times to those listed in the column on the left, please list</u>		
Thur					
Fri					
Sat					
Sun					

G

Performance of dance Standard days and timings			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u>	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u>		
Tues					
Wed			<u>State any seasonal variations for the performance of dance</u>		
Thur					
Fri			<u>Non-standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</u>		
Sat					
Sun					

H

Performance of a similar description to that falling within (e), (f) or (g) Standard days and timings			<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>	Indoors	
				Outdoors	
			Both		
Mon			<u>Please give further details here</u>		
Tues					
Wed			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u>		
Thur					
Fri			<u>Non-standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</u>		
Sat					
Sun					

Provision of facilities for making music Standard days and timings			Please give a description of the type of facilities for making music you will be providing	
Day	Start	Finish	Will the facilities for making music be indoors or outdoors or both – please tick	Indoors
Mon				
			Both	
Tues			<u>Please give further details here</u>	
Wed			<u>State any seasonal variations for the provision of facilities for making music</u>	
Thur				
Fri			<u>Non-standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list</u>	
Sat				
Sun				

Provision of facilities for dancing Standard days and timings			Will the facilities for dancing be indoors or outdoors or both – please tick	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
Tues			<u>Please give a description of the facilities for dancing you will be providing</u>		
Wed			<u>Please give further details here</u>		
Thur			<u>State any seasonal variations for providing dancing facilities</u>		
Fri			<u>Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u>		
Sat					
Sun					

K

Provision of facilities for Entertainment of a similar description to that falling within I or J Standard days and timings			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both - please tick	Indoors
Mon				Outdoors
				Both
Tues			Please give further details here	
Wed				
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within J or K	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of similar description to that falling within J or K at different times to those listed in the column on the left, please list	
Sun				

L

Late night refreshment Standard days and timings			Will the provision of late night refreshment take place indoors or outdoors or both - please tick	Indoors	
				Outdoors	<input checked="" type="checkbox"/>
				Both	
Day	Start	Finish	Please give further details here		
Mon	11pm	2.30am	we intend to run both carry out and delivery service up to 11pm Sunday - Thursday and midnight Friday & Saturday. The Late Licence application is for delivery only.		
Tues	11pm	2.30am			
Wed	11pm	2.30am	State any seasonal variations for the provision of late night refreshment		
Thur	11pm	2.30am			
Fri	11pm	2.30am	Non-standard timings. Where you intend to use the premises for the provision of late night entertainment at different times, to those listed in the column on the left, please list		
Sat	11pm	2.30am			
Sun	11pm	2.30am			

M

Supply of alcohol Standard days and timings			Will the supply of alcohol be for consumption (please tick)	On the premises				
				Off the premises				
				Both				
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u>					
Mon								
Tues								
Wed								
Thur						<u>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</u>		
Fri								
Sat								
Sun								

Supply of alcohol only:

State the name and details of the individual whom you wish to specify on the licence as premises supervisor
Name.....
Address.....
.....
Postcode.....
Personal Licence number (if known).....
Issuing licensing authority (if known).....

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
None

Q.

Hours premises are open to the public Standard days and timings			State any seasonal variation
Day	Start	Finish	
Mon	11am	2.30am	<u>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list</u>
Tues	11am	2.30am	
Wed	11am	2.30am	
Thur	11am	2.30am	
Fri	11am	2.30am	
Sat	11am	2.30am	
Sun	11am	2.30am	

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

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

As part of a national franchise we are required to maintain a high standard of safety and security and get checked three times a year by our Head office. I am also signed up to Bibby's who guide me on Health and Safety and employment Law.

b) The prevention of crime and disorder

- CCTV - 8 cameras inside shop
- shop alarm monitored 24 hours by advanced security
- two panic buttons counter & office
- time delayed safe
- drivers operate a key fob system as they come & go.
- drivers never carry more than £15 on any delivery
- all our drivers are provided with free business insurance

c) Public Safety

CCTV 8 cameras
Fire alarm monitored by Advanced Security
Fire extinguishers serviced by ink Fire
Security alarm monitored by advanced
panic buttons
gas supply emergency stop Lock
all electrical equipment PAT tested
all gas equipment serviced regularly
windows are all non shatter
delivery drivers have their cars checked before each shift

d) The prevention of public nuisance

- CCTV
- drivers drop their cash after each delivery in secure box in store
- each driver is provided with Business Insurance
- two panic buttons
- shop alarm / Fire Alarm
- time delayed safe
- employees enter premises with their own key fobs
- Fire risk assessment completed

e) The protection of children from harm

CCTV
Fire extinguishers and alarm
panic buttons
drivers insured and vehicles checked
all equipment regularly serviced
all food handlers take food hygiene course
risk assessments completed

APPENDIX 3 – LETTERS FROM INTERESTED PARTIES

The Bridge Hotel
40 North Road
Durham City
DH1 4SE

16th February 2012

Licensing Authority
Consett Access Point
36-38 Front Street
Consett
County Durham .

Dear sir/madam

As General Manager of the above residential and catering establishment I wish to register, on behalf of the owners and myself and staff, the strongest possible objection to the proposed extension of opening hours for the Domino's Pizzeria Take Away on North Road, Durham City.

The Pizzeria is directly next door to The Bridge Hotel and is already a public nuisance in contravention of the Licensing Act of 2003. We have residents here trying to sleep over the noise of queues hanging around the outside of the Pizza shop until after midnight. The place is typically run by extremely young and inexperienced staff who are ill equipped to keep order among late night drunks and revellers who frequent the shop after a night out. The staff is also changed at intervals so there is unlikely to be any serious commitment to good business practice.

This careless attitude presented by the owners of the franchise(?) results in a surrounding area permanently strewn with litter, food debris and dirt so it is very difficult for us at The Bridge Hotel to make our visitors welcome and comfortable when the very first thing they see and hear when arriving here from the Railway Station is disorder and noise amidst anti-social surroundings. This is a nationally respected tourist city and we, as committed business people, wish to maintain its attractiveness to visitors.

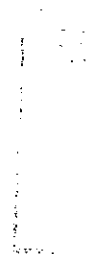
A further serious problem is occasioned by the fact that there is no parking available to customers, as this shop faces on to double yellow lines on a singularly dangerous corner. Cars turn this corner blindly and frequently have to swerve around customers' vehicles parked partly on the kerb. This presents a serious hazard to road users and it would seem to be only a matter of time before there is an accident.

I hope that you will seriously consider the reputation of the city, as well as our welfare as honest business people, when considering this entirely unreasonable application.

Yours faithfully

James O'Neill
General Manager, The Bridge Hotel.

1/2



received by [unclear]
21/12/2012

Partners in Hair
North Road
Durham City
22nd Feb. 2012-02-23

Licensing Authority
Consett Access Point
36-38 Front Street
Consett
Co. Durham

Dear sir

As both business owners and residents who work and live only four doors away from Domino's Pizza Takeaway, we have to complain about the terrible prospect of that place being allowed to remain open until 2.30 am.

We already have problems with drunks and vandals who come up here to Domino's any time up to midnight, making a racket and damaging property. They smash windows and throw food and litter around already. What are they going to be doing at two thirty in the morning? The place is too small for them to be inside so they are going to be outside on the road and pavement keeping us awake.

I notice they have tidied up the usual horrible mess from around the shop. That will probably be for the inspector's benefit. They are not even honest about the usual state of affairs.

I hope you will take notice of this complaint.

Yours sincerely

Partners in Hair.

3 Parkside
North Road
Durham City
DH1 4RE

14th February 2012

Licensing Authority
Consett Access Point
36-38 Front Street
Consett
County Durham

Dear sir/madam

We wish to register the strongest possible objection to the proposed extension of opening hours for the Domino's Pizzeria Take Away on North Road, Durham City. The Licensing Act of 2003 claims provision for:

- The prevention of crime and disorder
- The prevention of public nuisance.

Crime, disorder and public nuisance are already facts of life around the above premises which are situated in a predominantly residential area but which already entertain numbers of noisy and anti-social customers until midnight. The premises are surrounded by cigarette stubs, food waste, littered packaging and spilt drinks as well as occasional vomit and urine. Customers feel free to throw food and litter into the gardens of the houses directly opposite and use the steps as urinals.

It is interesting to note, (and we hope that in making your judgement, you do take note and remain aware of this) that the area around the premises has been significantly tidied up and cleaned in the last two days, presumably in case your representative might wish to make an inspection. Their 'track-record' would clearly suggest that this orderliness will be a very temporary state of affairs. Nor does it take any stretch of the imagination to predict that those coming up from the bars and clubs in the town even later than at present are likely to be even more drunk and out of control than at present.

As it is, we have an unreasonably high level of irresponsible and often anti-social students and young people from out of town who patronise this shop. Police records of our late-night complaints would confirm this.

It is therefore extremely important that you also take note of the fact that the premises are *too small to contain its customers, who are obliged to spill out onto the road and pavement in a noisy rabble* while waiting to be served. This is within the distance of a single carriageway from law-abiding residents, whose living and sleeping rooms face the shop. The shop is currently replenished in the early hours of the morning by a noisy, flashing container unit which would also seem to be operating outside of reasonable parameters of nuisance.

Furthermore, the respectable small businesses around here have been plagued by graffiti and smashed windows and doors in the early hours of the morning perpetrated by anti-social people making their way up from the late-opening premises in the city. It is rapidly becoming a nightmarish place to live because of behaviour that resembles *absolute licence*. This defies the stated objective of the 2003 Act concerning the prevention of crime and disorder and any extension would provide a further inducement for these groups to gather. The Licensing Authority must surely take some responsibility for what occurs *at present* let alone the inevitable worsening of the situation should it extend this freedom further.

Finally, it is our belief that due procedure has not been followed re notification of interested parties concerning this Application. There is no mention in the Applications section of The Durham Times and the free newspaper, The Advertiser, where it appears, is never distributed in this area. The only notice of intent is a barely readable sticker on the side window of the shop (*not* North Road, where the entrance faces and where pedestrians and residents pass.) This sticker first appeared on Wednesday, 14th

February— as late as possible before the closing date for any response. We believe that we are being deliberately misinformed and misled.

We therefore hope that you will give this application for extended hours a resounding veto.

Yours faithfully

M T Turrington	_____	resident (3 Parkside)
K Turrington	_____	resident (3 Parkside)
_____	_____	resident (4a Parkside)
_____	_____	resident (4b Parkside)
J. HARTLEY	_____	resident (4c Parkside)
CHRIS BELL	_____	resident (2 Parkside)
R. BRITELL	_____	
B Middleton	_____	Middleton Design Station House

TEL [REDACTED]

15TH FEBRUARY 2012

1 PARKSIDE
NORTH ROAD
DURHAM CITY
DH1 4RE

DEAR KAREN MONOGHAN,

RE. DOMINO'S PIZZA 41-43 NORTH RD DURHAM DH1 4SE

WE ARE OBJECTING TO THE
APPLICATION FOR A LICENSE FOR THE ABOVE PREMISES
FROM 11PM TO 2-30AM NIGHTLY.

PROBLEM
CURRENTLY WE DO NOT HAVE A
WITH NOISE DISTURBANCE FROM DOMINOS. HOWEVER
ANY EXTENSION OF THEIR OPENING HOURS WOULD
ENCOURAGE ROWDY LATE NIGHT DRINKERS TO A
RESIDENTIAL NEIGHBOORHOOD WHICH ALREADY SUFFERS
FROM EXCESS NOISE AND DISTURBANCE.

GIVEN THAT WE LIVE DIRECTLY
ACROSS THE ROAD FROM THESE PREMISES WE HOPE THIS
OBJECTION RECEIVES YOUR SERIOUS CONSIDERATION.

YOURS SINCERELY

