

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.

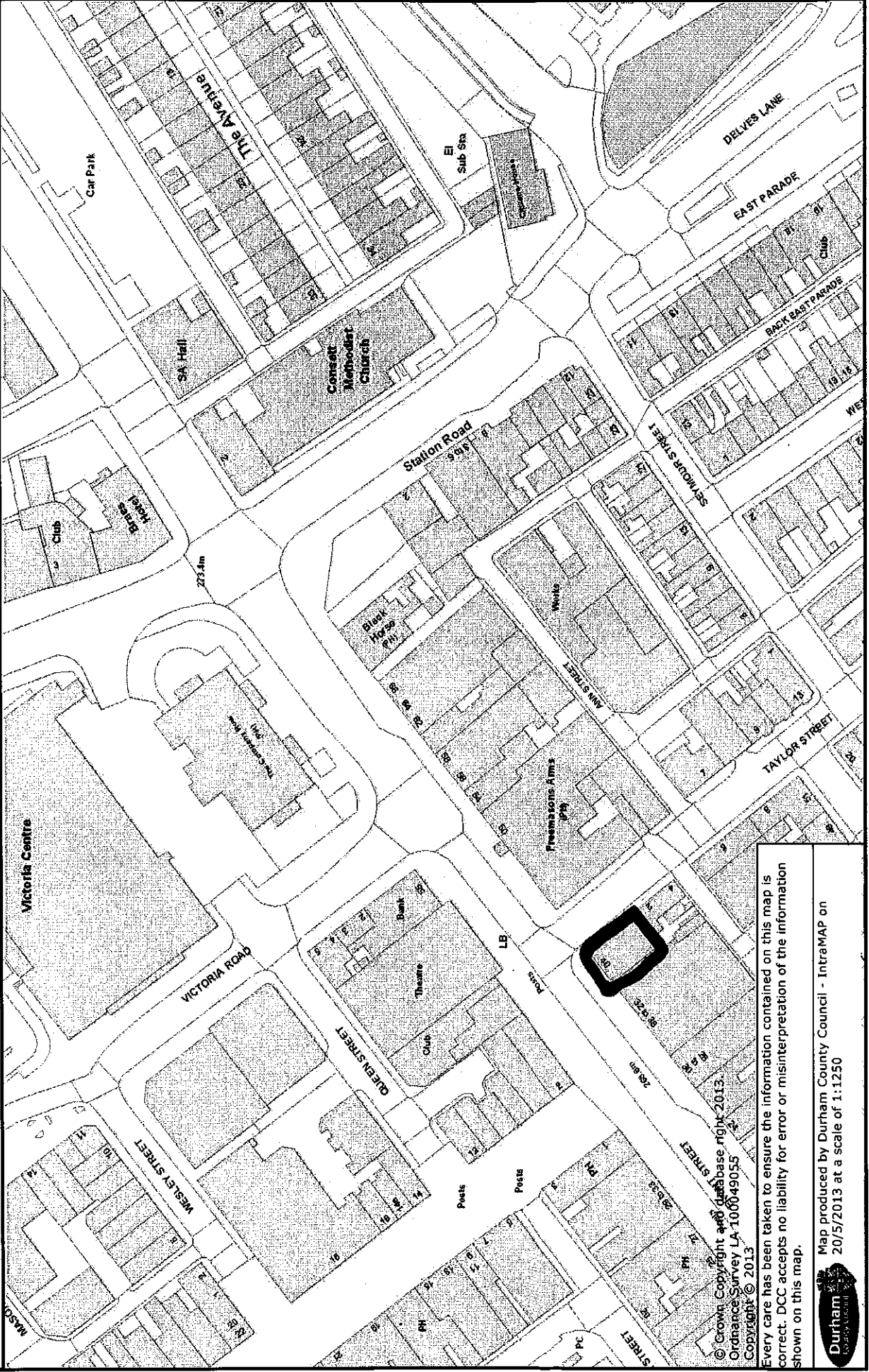
Background Papers:

- 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

Durham County Council - IntraMAP



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 Ordnance Survey LA 100049055
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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
 20/5/2013 at a scale of 1:1250



APPENDIX 2 – APPLICATION

190.00

6/8

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

DURHAM COUNTY Council

DURHAM COUNTY

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

LICENSING

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 EHSAN 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 Canwell town 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)
- 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"/> | | | |
| | | | | 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 | | | State any seasonal variations for the exhibition of films (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | 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) | | |
| Fri | | | | | |
| 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) | | | 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 | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | 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) | | |
| 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 | | | | | | | | |
| Wed | | | | | | State any seasonal variations for the performance of live music (please read guidance note 4) | | |
| Thur | | | | | | | | |
| Fri | | | | | | | | |
| Sat | | | | | | 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) | | |
| Sun | | | | | | | | |

F

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

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 | <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 checked="" type="checkbox"/> |
| | | | | Outdoors <input type="checkbox"/> |
| | | | | Both <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) <i>N/a.</i> | |
| Mon | 10.00 | 23.59 | | |
| Tue | 10 | 23.59 | | |
| Wed | 10 | 23.59 | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) <i>None</i> | |
| Thur | 10 | 23.59 | | |
| Fri | 10 | 0400 | | |
| | | <i>Saturday</i> | 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) <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> | |
| Sat | 10 | 0400 | | |
| | | <i>Sunday</i> | | |
| Sun | 10 | 23.59 | | |

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) | | | State any seasonal variations (please read guidance note 4) |
|---|-------|-------------------------|--|
| Day | Start | Finish | |
| Mon | 10 | 23-59 | <i>None</i> |
| Tue | 10 | 23-59 | |
| Wed | 10 | 23-59 | |
| Thur | 10 | 23-59 | |
| Fri | 10 | 0400 <i>Saturday</i> | |
| Sat | 10 | 0400 <i>Sunday</i> | |
| Sun | 10 | 23-59 | |
| | | | 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) |
| | | | <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 Viceroy Road
Consett

Post town

CONSETT

Postcode

DL18 5BQ

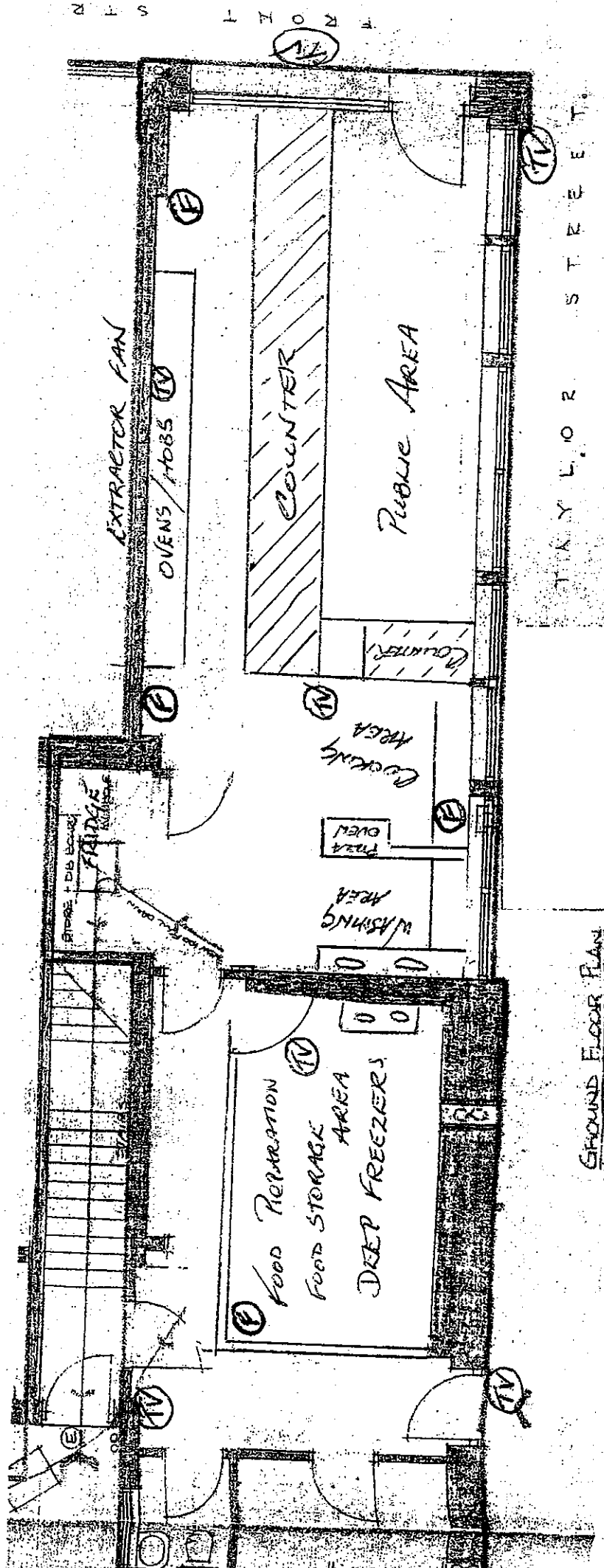
Telephone number (if any)

01207 590285

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

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

Ⓥ T.V Camera

APPENDIX 3 – SOLICITOR’S LETTER



THE

GILES HUNTER PARTNERSHIP

DURHAM COUNTY

30 APR 2013

LICENSING

SOLICITORS

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

Free Legal
Clinic every
Wednesday
4pm - 5pm

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
27 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.

* 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

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

* Have now received notification
of 31/5/13 @ 1pm

S

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

Assistant Solicitor:
Jeremy J Sheehan

Property Department:
Lynda Sheehan

Practice Manager:
Brian Dancer

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.