



## Statutory Licensing Sub-Committee

**Date** **Tuesday 22 January 2019**

**Time** **10.00 am**

**Venue** **Council Chamber - County Hall, Durham**

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meetings held on 20 and 27 November 2018, and 4 December 2018 (Pages 3 - 22)
5. Application for the Grant of a Premises Licence - Bells Fish and Chips, Finchale Road, Durham (Pages 23 - 72)
6. Application for the Variation of a Premises Licence - Bar 33, First Floor, 29-33 Neville Street, Durham (Pages 73 - 124)
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
14 January 2019

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

Councillors J Blakey, L Brown, D Hicks, L Kennedy and L Marshall

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Tuesday 20 November 2018 at 10.00 am**

**Present:**

**Councillor C Carr (Chairman)**

**Members of the Committee:**

Councillors D Brown, G Darkes and A Hopgood

**Also Present:**

Councillor D Brown

Helen Johnson – Licensing Team Leader, DCC

Stephen Buston – Solicitor, DCC

Laura Cloney - Licensing Enforcement Team Leader, Licensing Authority

Jeffrey Turnbull – Assistant Force Solicitor for Durham Constabulary

Sgt Caroline Dickenson, Durham Constabulary

PCSO Aimee Guest – Durham Constabulary

Jonathan Smith – Poppleston Allen, Solicitor for Red Oak Taverns Ltd

Nathan Audas – Operations Manager, Red Oak Taverns Ltd

Martyn Webster – Business Development Manager, Red Oak Taverns Ltd

**1 Apology for Absence**

An apology for absence was received from Councillor J Blakey.

**2 Substitute Members**

There were no substitute Members.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Application for the Review of a Premises Licence - The Oddfellows Arms, 52 Church Street, Seaham**

The Committee considered a report of the Corporate Director of Regeneration and Local Services regarding an application for the review of a Premises Licence in respect of The Oddfellows Arms, 53 Church Street, Seaham (for copy see file of Minutes).

Members were informed that on 25 October 2018 a Statutory Licensing Sub-Committee had considered an application from Durham Constabulary under Section 53A of the Licensing Act 2003 following an incident at the premises and had decided to suspend the Premises Licence with immediate effect pending this full review hearing. The Licence Holder had confirmed at that time that the DPS had been removed.

A copy of the review application and supporting documentation had been circulated to Members, together with additional information provided by Durham Constabulary.

Mr Turnbull, Assistant Force Solicitor was invited to address the Sub-Committee on behalf of the Applicant, Durham Constabulary. He explained that the application was not only in relation to the licensing objective 'prevention of crime and disorder' but also related to 'the protection of children from harm' as unaccompanied children aged between 11 and 12 years had been found on the premises. His representations would focus on the licensing objective 'crime and disorder' and the Police concerns over a 12 month period which had culminated in an incident on the premises on 5 August 2018 when a male had suffered bruising to the brain and a fracture to his skull.

This incident had prompted a meeting with the Licence Holder, Red Oak Taverns Ltd, on 22 August 2018 when the importance of contacting the Police when an incident occurred had been agreed, along with other measures. However despite this agreement the DPS had not called the Police on 20 October 2018 when a serious incident had occurred and a male had sustained two fractured eye sockets, a broken nose and two fractured ribs.

Members were then referred to the statement provided by PCSO Guest which included earlier incidents at the premises.

Whilst the Police had no confidence in the way the premises had been managed, in fairness to the Licence Holder immediate action was taken to remove the DPS following the incident, and the Licence Holder had not challenged the suspension of the Premises Licence.

Since the summary review useful discussions had taken place with the Licence Holder and agreement had been reached which sufficiently addressed the concerns of the Police. The Licence Holder was seeking to re-open the premises with more robust management, had agreed to a number of proposed conditions including an extension of the suspension for a further 6 weeks and a reduction in hours for licensable activities. The proposed conditions also addressed the provision of door supervisors, and specified that no person under the age of 18 would be allowed on the premises unless accompanied by an adult. A copy of the proposed conditions was circulated to all parties.

Laura Cloney, Licensing Enforcement Team Leader was invited to make representations and advised that she supported the proposed conditions which she hoped would address the issues of concern.

Jonathan Smith addressed the Sub-Committee on behalf of the Licence Holder. He commenced by explaining that the tenant of the premises was not an employee of Red Oak Taverns Ltd. Ms Porritt had held a tenancy agreement for 11 years, and Red Oak Taverns Ltd had inherited the tenant on their purchase of the premises. Issues with the running of the premises had arisen over the last 12 months; there was no previous record of any problems. In 2013 the licensing hours were extended to 12.30am, with the premises closing at 1.00am, and in June 2017 the hours were extended further to 2.00am, closing at 2.30am, with no objections from the Police. Problems with the premises had first come to the attention of the Licence Holder in August 2018, and immediately following the most recent incident steps were taken to remove the DPS so that Red Oak Taverns Ltd remained in control and could liaise with the Police. Red Oak Taverns Ltd successfully managed 160 premises across the country.

Mr Smith then responded to questions from Councillor Carr. With regard to the provision of door supervisors and having a presence at the rear gate, at this point in time the Licence Holder did not know what type of premises any new tenant would wish to run. The new tenant may not wish to open late in which case only one door supervisor would be required. A condition was already included in the Premises Licence that the rear gate should be locked at 11pm.

Councillor Hopgood noted that the door supervisor would be on duty from 10pm and suggested that this should be the time the rear gate was closed. The Licence Holders confirmed their agreement with this.

Councillor Carr was concerned that the bar staff should be able to identify when customers were intoxicated and was informed that this would form part of the training. The Councillor also specified the importance of maintaining an incident book.

Following a question from Councillor Darkes who asked the Licence Holder to consider imposing a curfew of 9pm for children, Mr Smith asked that this be left to the discretion of the new DPS. The new tenant may wish to operate a food-led and family-friendly premises, and a 9pm curfew would be too restrictive for a venue of that type.

The Chairman invited all parties to sum up. None had anything further to add but Mr Audas confirmed that the surrender of the tenancy had been completed on 14 November 2018, and the former DPS had now vacated the premises.

At 10.50am the Sub-Committee **Resolved** to retire to deliberate the application in private.

After re-convening at 11.10am the Chairman delivered the Sub-Committee's decision. In reaching their decision Members had taken into account the report of the Licensing Team Leader, the written and verbal representations of the Applicant and the Licence Holder, and the proposed conditions agreed between the parties. Members had also considered the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

**Resolved:**

That

- i. a suspension be imposed for a further period of six weeks, effective from the date of this hearing.
- ii. The interim steps, previously imposed on 25<sup>th</sup> October 2018, shall cease to have effect once the time for appeal of this decision, under Section 53C of the Licensing Act 2003, has expired [Section 53D(4)(b) applies].
- iii. The following conditions be attached to Annex 3 of the premises licence:
  - a) All licensable activities to be permitted between 9.00am and 1.00am, seven days per week.
  - b) Opening hours for the premises to be permitted from 9.00am to 1.30am; the only exceptions to be Christmas Day and New Years' Eve, with licensable activities continuing until 2.00am, closing time 2.30am.
  - c) The Premises Licence Holder will obtain the approval of Durham Constabulary (such approval not to be unreasonably withheld) to the appointment of a Designated Premises Supervisor before submitting an application to vary the Premises Licence to name such person as the Designated Premises Supervisor.
  - d) If the premises remain open for the sale of alcohol until midnight or before on a Friday, Saturday or Bank Holiday Sunday, the one member of door staff will be on duty from 10.00pm until the premises close.
  - e) If the premises remain open for the sale of alcohol after midnight on a Friday, Saturday or Bank Holiday Sunday, the two members of door staff will be on duty from 10.00pm until the premises close, with this number being reduced to one after a period of three months if in agreement with Durham Constabulary (such agreement not to be unreasonably withheld).
  - f) No person under the age of 18 will be allowed on the premises unless accompanied by an adult
  - g) The premises shall implement and evidence the full induction and training of all staff responsible for the sale of alcohol, prior to the re-opening of the premises.
  - h) The rear gate of the premises shall be locked at 10.00pm.

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2 - County Hall, Durham on **Tuesday 27 November 2018 at 10.00 am**

**Present:**

**Councillor P Crathorne (Chair)**

**Members of the Committee:**

Councillors L Brown and G Darkes

**Also Present:**

Councillor L Kennedy

Mrs G Proud – Council's Solicitor

Mrs L Cloney – Licensing Enforcement Team Leader

Mrs H Johnson – Licensing Team Leader

Miss K Robson – Senior Licensing Officer

Mr A Cook – Team Leader (Special Investigations), Trading Standards

Mr M Miller – Trading Standards Investigator

Mr S Barry – Public Health Practitioner (Living and Ageing Well)

**1 Apologies for Absence**

An Apology for absence was received from Councillor Maitland.

**2 Substitute Members**

There were no substitute Members.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes**

The Minutes of the meetings held on 7 September 2018, 2 October 2018 and 30 October 2018 were agreed as a correct record and were signed by the Chair.

**5 Application to Transfer a Premises Licence - Lebaneat Wrap House, First Floor, 69 Claypath, Durham**

ITEM WITHDRAWN

- 6 Application to Vary a Premises Licence to Specify an Individual as Designated Premises Supervisor - Lebaneat Wrap House, First Floor, 69 Claypath, Durham**

ITEM WITHDRAWN

- 7 Application for the Review of a Premises Licence following a Closure Order - M & A General Stores, 44 Middle Street, Blackhall**

The Committee considered the report of the Senior Licensing Officer regarding an application for the review of a premises licence following a closure order in respect of M & A General Stores, 44 Middle Street, Blackhall (for copy of report, see file of minutes).

A copy of the application form and supporting information had been circulated to Members together with copies of the representations received from Trading Standards and Public Health.

The Licensing Team Leader addressed Members in relation to the Service of the Notices regarding the review of the Premises Licence. The address for the Premises Licence Holder is the store at 44 Middle Street, Blackhall. There is no alternative address known to the Licensing Authority. As the premises are currently closed, the Notices of hearing and associated paperwork have been served via first class post on this address, together with serving a copy on the DPS and taping the notices to the premises as there is no letterbox and the flat above is not associated with the premises. The Notices have been checked and replaced when they were torn down. There was also a letter attached to the premises which provided a link to allow the Premise Licence Holder to access an electronic version of the Licensing Papers.

The Senior Licensing Officer had made numerous attempts to contact the DPS with a view to obtaining the address for the Premises Licence Holder. She had left messages with the daughter of the DPS who stated that the DPS would telephone her back. The DPS had failed to respond to any requests regarding the address for the Premises Licence Holder and had also failed to return any of the Senior Licensing Officers calls. In addition to the above, the Senior Licensing Officer had confirmed that she approached the Police and the solicitor representing Mr Takhar in the Closure Order appeal, and both parties were unable to assist with an address.

The Sub-Committee considered the information provided and were advised with regard to the Licensing Act 2003 (Hearings) Regulations 2005, in particular Regulations 20 and 34. The Sub-Committee were satisfied that all attempts to contact the Premises Licence Holder had been made and agreed that the hearing would proceed in his absence.

The Licensing Team Leader presented the report and explained that a closure order had been issued by Peterlee Magistrates Court. Trading Standards had applied for the closure order following an investigation into the supply of illicit

tobacco products sold within the vicinity of the premises. The relevant Licensing Authority must review the premises licence following the issue of a Closure Order. Members were advised that the premises were licensed for off sales only Monday to Sunday 08:00 hours until 13:00 hours and Sunday 10:00 until 23:30 hours. The application was deemed relevant and advertised in accordance with the regulations.

During the short consultation period 2 representations had been received 1 from Trading Standards and 1 from Public Health. Members were asked to determine the application and were provided with the details of the options available.

There were no questions of the Licensing Officer.

The Licensing Enforcement Team Leader outlined the review application and that a Closure Notice was served on the premises on Monday 12 November 2018, under Section 76 of the Anti-Social Behaviour Crime and Policing Act 2014.

Members were advised that the premises are referred to as Lifestyle Express but are licensed as M & A General Stores.

She advised Members that in 2017 a previous investigation had been undertaken into a premises under the control of Mr Takhar for selling counterfeit goods which resulted in the revocation of the licence. On this occasion, Trading Standards acted on intelligence that illicit tobacco was being sold from vehicles outside of his premises on Middle Street. Surveillance was used as proof and warrants were executed for the premises, home address, vehicles and storage container and quantities of illicit tobacco were seized. It appeared that payments were being made within the premises and it was believed that the premises were associated with criminal activities.

Councillor Brown sought clarification if the DPS and the owner of the premises were related. Officers confirmed that they were husband and wife.

The Council's Solicitor sought clarification that sales were from vehicles outside the premises. The Licensing Enforcement Officer confirmed that the tobacco products were sold from vehicles and not from the premises itself.

The Team Leader (Special Investigations), Trading Standards then addressed Members and explained that the investigation commenced on the 20 July 2018 following intelligence that Mr Takhar was selling tobacco from vehicles outside the premises. The surveillance showed that Mr Takhar was supplying tobacco products from vehicles which were registered to him. Trading Standards noted that they did not appear to be an exchange of money but customers first entered the shop then approached the vehicle. Mr Takhar also had access to a container nearby.

A warrant of entry was obtained for the premises, container, vehicles and home address which led to the seizure of 8,800 cigarettes and 9.5 kg of tobacco which on examination were found to be counterfeit and were in breach of health warning regulations.

The total value of the products seized was between £3,250.00 and £3,690.00. Following the enforcement operation Mr Takhar was interviewed under caution and answered no comment to questions. Mr Takhar denied selling tobacco items and that they were in his possession for personal use as he was a heavy smoker.

The counterfeit products were a copy of a registered brand which were brought into the country illegally.

He then referred to the written representations of the Trading Standards Manager that highlighted various concerns regarding illegal tobacco being available to children more easily at 'pocket money' prices, although there was no evidence of children being supplied. He also referred to the adverse health effects, the knock-on effect of criminality in the area, the undermining of public health goals to reduce smoking and local businesses confirming that illegal tobacco causes them a serious nuisance and were losing out on significant revenue as a result of this activity taking place as it detracts people from purchasing genuine products.

The Team Leader (Special Investigations) continued that Mr Takhar had previously been involved with Trading Standards and prosecuted last year where they recovered counterfeit and illicit cigarettes and tobacco from Mr Takhar's premises at Vine Stores. Mr Takhar had indicated that the 4000 cigarettes and tobacco were for his own personal use but he pleaded guilty to the offence at court and was fined.

Trading Standards submit that illegal tobacco causes problems to the community and Mr Takhar's attempts to sell tobacco from his vehicle is an extra layer of concealment, to detract attention away from the premises. Trading Standards believe that there is an association with the premises and this is undermining the licensing objectives.

The Trading Standards Investigator then addressed the Sub-Committee and explained that this was an ongoing investigation but CCTV footage was available showing the sales from the vehicles outside the premises. He advised Members that if they wished to view the footage then it should be in private as the footage showed members of the public.

The Council's Solicitor advised Members that the CCTV footage could be viewed under Regulation 14 and request to exclude the public in order to view the footage.

Members agreed to the Regulation 14 request and all parties other than Members, Trading Standards Officers and the Council's Solicitor were invited to leave the meeting.

Prior to leaving the meeting the Licensing Team Leader asked Trading Standards if they had ever come across Mr Singh at the Premises. Members were advised that they had never seen the Premises Licence Holder at the premises but had seen the DPS.

All parties left the meeting at 12.00 Noon to allow the CCTV footage to be viewed. All parties returned to the hearing at 12.10 pm.

The Council's Solicitor advised parties that Members had viewed the footage from the 3 August 2018 and 5 September 2018. They had been given the opportunity to view further footage but indicated that they were satisfied with what they had seen.

Councillor Kennedy sought clarification if the boxes recovered were similar to those that could be seen on the footage being taken from the vehicle. Members were advised that a box consistent with that seen on the footage was recovered.

The Chairman sought clarification if the container was located near the premises or his home address. The Trading Standards Investigator confirmed that the container was located 200 metres from the shop premises.

The Council's Solicitor asked if the boxes were found at the home address. The Trading Standards Investigator confirmed that the boxes were found at Mr Takhar's home address.

The Public Health Practitioner then addressed the Sub-Committee and referred to his letter of submission on behalf of Public Health.

He referred to all tobacco kills but illicit tobacco causes additional problems to communities on many levels. The contents of illicit tobacco is not known and illicit tobacco provides an opportunity for young people to gain access to tobacco.

Illicit tobacco also causes crime to local communities and those people supplying illicit tobacco are frequently involved in other criminality such as illicit alcohol, illegal drugs and illegal money lending.

Illicit tobacco undermines the work of Public Health and cheap tobacco encourages smokers to keep smoking. Public Health believed the role of the premises licence holder and designated premises supervisor are positions of responsibility and they would support the application to review the premises licence.

There were no questions of the Public Health Practitioner.

At 12.20 pm the Sub-Committee Resolved to retire to deliberate the application in private. After re-convening at 12.45 pm the Chair delivered the Sub-Committees decision.

In reaching their decision the Sub-Committee had taken into account the report of the Senior Licensing Officer, the written and verbal representations of the Licensing Authority, Trading Standards and Public Health. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

**Resolved:** That the premises licence be revoked.

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## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2 - County Hall, Durham on **Tuesday 4 December 2018 at 10.00 am**

**Present:**

**Councillor L Marshall (Chair)**

**Members of the Committee:**

Councillors D Bell, J Blakey, L Brown and D Hicks

**Also Present:**

H Johnson – Licensing Team Leader, DCC

K Coulson-Patel – Solicitor, DCC (present for Best Kebab One)

G Proud – Solicitor, DCC (present for Kelly's Convenience Store)

**Best Kebab One**

Mr S Mooney – Force Solicitor - Durham Constabulary

Sgt C Dickenson - Durham Constabulary

PC C McNaney - Durham Constabulary

DC D Haythornwaite - Durham Constabulary

Mr Z Hussain Ahmed – Licence Holder

**Kelly's Convenience Store**

Mr P Burke – Applicant's Solicitor

Mrs C Heshanth (Applicant) and Mr Heshanth Theivenrarajah

**1 Apology for Absence**

An apology for absence was received from Councillor M Wilson.

**2 Substitute Members**

Councillor Blakey substituted for Councillor Bell at the hearing in respect of Kelly's Convenience Store.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes of the Meetings held on 11, 15 and 25 October 2018**

The Minutes of the meetings held on 11, 15 and 25 October 2018 were agreed as a correct record and were signed by the Chairman.

## **5 Application for the Review of a Premises - Best Kebab One, 1a Fore Bondgate, Bishop Auckland**

**Members:** Councillor L Marshall (Chair), Councillors L Brown and D Hicks.

Prior to the commencement of the hearing, the Sub-Committee was asked to consider a request from the Licence Holder Mr Ahmed for an adjournment to allow him to obtain independent legal advice. Mr Reed, Counsel explained that he had been instructed to represent Mr Sala, the previous Licence Holder as he had understood the purpose of the hearing to be the consideration of the 'handover process'. It would be inappropriate for him to represent Mr Ahmed who was without legal representation.

The Chair asked when Mr Ahmed had been informed of the date of the meeting. Members were advised that all parties had been informed of the date at the Sub-Committee hearing on 30 October 2018. This date was agreed with Mr Ahmed who was present on 30 October 2018.

The Applicant was asked for their views. Mr Mooney, Force Solicitor on behalf of the Applicant Durham Constabulary, opposed the request. The review application had first been listed on 15 October 2018 and was adjourned as Mr Sala's Solicitor had not attended. The hearing was then re-convened on 30 October 2018 when the Sub-Committee was advised that on Friday 26 October 2018 the Premises Licence had been transferred from Mr Sala to Mr Ahmed. It was made clear at that time that the hearing would proceed on 4 December 2018.

Mr Ahmed, through his interpreter, advised that he had hoped to get better legal advice and this was why he had asked for an adjournment.

At 10.35am the Sub-Committee retired to consider the request. After re-convening at 10.40am the Chair advised that the request for an adjournment was refused. Members noted that Mr Ahmed had been informed of the date of the hearing on 30 October 2018, and considered therefore that he had been given sufficient time to seek legal advice.

The Licensing Team Leader presented the report which included a copy of the application and supporting documentation. Additional information had been received from the Applicant which had been circulated to all parties in advance of the hearing.

Mr Mooney was invited to address the Sub-Committee and advised that on becoming aware that the Premises Licence had been transferred, the Police had met with Mr Ahmed. However the Police remained concerned about the management of the premises following that meeting and sought revocation of the Premises Licence.

Durham Constabulary had made application to review the Premises Licence because of serious concerns regarding the management of the premises which undermined all 4 licensing objectives. The premises had changed hands a number of times in 12 months but the Police evidence focused on the period that Mr Sala

and Mr Raza were in control. Mr Raza was still managing the premises, and the Police believed that he and Mr Sala had both been involved with the running of the premises since 2011.

Mr Mooney outlined the main concerns of the Police. As detailed in the additional information provided by the Applicant, Mr Raza and Mr Sala had both been convicted with the offence of Obstruct Police by means of giving false names during a multi-agency visit on 16 December 2017. During the visit Mr Sala had also produced a falsified residents permit for an illegal worker. The permit was in the name of a former Licence Holder who had left the country in 2011. Even if the permit had been produced by the illegal worker himself, Mr Sala should have checked the authenticity of the document. There were 4 separate occasions where individual males had been found working on the premises without documentation, as outlined in the Police Bundle of Evidence.

Other matters of concern included the general poor management of the premises and the lack of training records. The Premises Licence was not on display, the fixed seating was not included on the layout plan and the CCTV was not working for long periods. The Licence Holder had been notified of these issues but had taken a number of months to address only some of the areas of concern.

There was also anti-social behaviour connected with these premises. There had been a number of reports of anti-social behaviour between October 2017 and December 2017, including that the shop was treated more as a youth club than a takeaway. Although incidents had reduced at the end of last year, they were on the increase again. It may be that incidents had continued throughout the period but had not been reported.

When the Police were informed that Mr Ahmed had taken over the premises a meeting was set up for 12 November 2018, and on 6 November Mr Ahmed was asked to provide information which included details of his purchase of the premises, and details of staff and their immigration status. Mr Ahmed was reminded again on 19 November 2018. Mr Ahmed had produced a lease dated 2016 but had not provided a lease in his own name or any other documentation. He had admitted knowing Mr Sala for 4 years, had paid a cash deposit for the premises and had appointed Mr Raza as Manager. Mr Raza paid a weekly amount to Mr Ahmed. Mr Ahmed appeared to know very little about the business or who worked there apart from one female employee.

Mr Mooney referred Members to paragraph 11.27 of Section 182 Guidance which listed activities which should be treated particularly seriously. The list included the employment of a person disqualified from work by reason of their immigration status in the UK. The Guidance expected that in these circumstances a revocation of the Premises Licence should be seriously considered.

At 11.50am in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 it was **Resolved** that everyone present should leave the hearing, with the exception of the Applicant, the Licence Holder and the Solicitor, to allow the Sub-Committee to view CCTV footage of incidents at the premises.

At 12.30pm the hearing resumed in public.

PC McNaney referred to her witness statement included in the additional information, and outlined to Members the incidents at the premises on 22 and 30 September, and 11 and 12 November 2018.

In confirming what had been said by Mr Mooney, PC McNaney added that on 26 November 2018 Mr Sala had declared that he was unemployed at court, but following his conviction had asked her to examine damage to a window at his shop, Best Kebab One. She was of the view that Mr Ahmed had nothing to do with the business which was being managed exactly as it had been for the last 20 months.

Upon questioning by Councillor Brown, PC McNaney advised that the last reported incident was on 29 November 2018. On 26 November 2018 a report was received about a young female causing damage to the premises.

Mr Quinn of the Local Safeguarding Children's Board (LSCB) was invited to make representation. He stated that the LSCB recognised that access to alcohol could make young people vulnerable and victims of crime, and that they could also become offenders themselves.

The evidence presented by the Police raised concerns for the LSCB, and in particular reports of young people drinking alcohol and engaging in anti-social behaviour, reports of dangerous health and safety conditions relating to the supply of gas to the premises where young people congregated, and reports that predominantly female young people were drawn to the premises that was also being investigated in relation to employees using false identities and having no right to work in the UK.

The LSCB supported the application by the Police for revocation of the Premises Licence.

Mr Ahmed, through his interpreter, stated that the incidents were related to individuals rather than the business itself. He apologised to PC McNaney that he had not replied to the request for information but he had 2 other businesses to run and a young family, and was 'snowed under'. He was a businessman and this was what he did; he had taken over similar premises in New Brancepeth and Gateshead and had turned them around.

He noted the lies and deception of Mr Sala and Mr Raza but this had nothing to do with him and stated that he would not lie. He had recruited new employees and could provide their details.

With regard to the congregation of young persons outside, he advised that when customers ordered food they were given 15 minutes waiting time. Best Kebab One was not the only premises in the location, there were 3 other shops in close proximity; if anti-social behaviour was a problem for one shop it affected them all. Because of his involvement with his other businesses and factory he could not ask Mr Raza to leave until January 2019 after the busy Christmas period. Mr Ahmed

informed the Sub-Committee that he wished to submit documents regarding the new lease but was informed that these should have been disclosed in advance of the hearing, and with the consent of all parties.

Mr Ahmed continued that he should not have confirmed the date of the hearing as this was his busiest time. He had not appreciated the purpose of the hearing today.

Councillor Brown asked why Mr Ahmed had decided to take over the premises. Mr Ahmed advised that he looked for shops that were not well-managed, built them up and then sold them on for a profit.

Following a further question from Councillor Brown, Sgt Dickenson advised of incidents reported in respect of other premises in the location, none of which related to anti-social behaviour. PC McNaney added that concerns had been raised about Best Kebab One at PACT meetings.

Upon questioning by Sgt Dickenson, Mr Ahmed advised that he had been given 2 opportunities to provide documentation. Sgt Dickenson clarified that Mr Ahmed had been notified by e-mail on 2 and 6 November 2018, at the meeting on 12 November 2018 and by a further follow-up e-mail on 19 November 2018. Mr Ahmed advised that he had not said to PC McNaney that the Lease he had provided was a copy of his own Lease.

Mr Mooney stated that Mr Ahmed had said that Mr Sala and Mr Raza had been causing problems and asked him to confirm that these individuals had been running the premises. Mr Ahmed confirmed that they had.

Following a further question about the businesses of Mr Ahmed and his hours of work, Mr Ahmed reiterated that November and December were his busiest months and he worked from 5 or 6am until 2pm, but sometimes made deliveries out of hours and at other times when he made financial collections.

He had visited Best Kebab One on Tuesday and Saturday of the previous week and had employed new staff, including a female employee who he hoped to appoint as Manager. She had been working at the premises for 2 years and clarified that she had contacted the Police during the incident on 26 November 2018, not a member of the public. He had told the staff that they must contact the Police if there were any incidents. He planned to close the shop in January 2019 to refurbish the premises and put the business in order.

Mr Mooney asked why Mr Raza could not be asked to leave the premises now, and was advised that this was because of his knowledge of the business. However he would ask him to leave immediately if this was requested of him.

All parties were invited to make closing submissions.

Mr Ahmed advised that he had nothing further to add.

Mr Mooney concluded that there had been numerous licensing failures associated with the premises. Youths treated the shop as a youth centre and consumed

alcohol which resulted in anti-social behaviour and disturbance. These problems had either recently re-emerged or had been continuous but had gone un-reported.

Standout issues for the Police were the deception and lies from people in control of the premises, and the employment of illegal workers. Mr Sala was still involved with the premises and Mr Raza was still the Manager, at the choice of Mr Ahmed. Mr Ahmed was 'snowed under' with his other businesses and Mr Raza would continue to run the premises as long as he paid rent. Durham Constabulary considered that revocation of the Premises Licence was the only option.

Mr Quinn of the LSCB had nothing further to add.

At 12.30pm the Sub-Committee retired to deliberate the application in private. After re-convening at 12.45pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Licensing Team Leader, verbal representations of the Licence Holder and the verbal and written representations of the Applicant and LSCB. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

**Resolved:**

That the Premises Licence be revoked.

The meeting adjourned until 2.30pm.

**6 Application for the Grant of a Premises Licence - Kelly's Convenience Store - 2 Osborne Terrace, Ferryhill**

**Members:** Councillor L Marshall (Chair), Councillors J Blakey and D Hicks.

The Committee considered a report of the Licensing Team Leader regarding an application for the grant of a Premises Licence in respect of Kelly's Convenience Store, 2 Osborne Terrace, Ferryhill (for copy see file of Minutes).

A copy of the application and supporting documentation had been circulated. Members were informed that the 'other persons' who had made representation had confirmed that they would not be in attendance.

Mr Burke, the Applicant's Solicitor addressed the Sub-Committee and stated that Mr and Mrs Heshanth owned other businesses in the area, including a store at Ferryhill and a petrol station, both of which were licensed and operated without issue. They had owned the petrol station for 5 years. The couple planned to move into Kelly's Convenience Store with their children.

Mr Burke addressed the objections that had been raised. The reference to other licensed premises in the area nearby was not relevant, and Kelly's Convenience Store could not be blamed for problems being experienced as a result of the purchase and consumption of alcohol by young people. The shutters had been removed in the last couple of years so could not be a cause of disturbance. One

'other person' who had made representation lived 2 doors away from the premises and had young children; the residents living next door also had young children and had not expressed concern.

One of the objectors to the application was the owner of a licensed premises nearby.

There were no representations from Responsible Authorities.

With regard to representations made regarding the hours for the sale of alcohol, Mr Burke advised that many people worked shifts, finishing work at 6am and may for example want to purchase a bottle of wine to have with a meal after work.

Concerns had also been expressed with regard to an increase in vehicles, including delivery vehicles. The works to the shop had now been completed and the number of vans should reduce in volume.

There were no plans for major external lighting, which in any event would need planning permission.

The hours requested for the supply of alcohol and opening times had both been amended to 22:00 hours.

Mr Burke then referred to the case of Thwaites PLC v Wirral Borough Magistrates Court which established that conditions should only be attached which were necessary to promote the licensing objectives, and must be based on real evidence. The letters of representation were speculative in content and if the Sub-Committee gave weight to these, would fail to follow the provisions of Section 182 Guidance and the Council's Statement of Licensing Policy.

There was no evidence to show that the licensing objectives would not be promoted, and of 2000 residents living within the immediate vicinity, only 3 had made representation.

Following a question from Solicitor Gill Proud, Mr Burke confirmed that there were no plans to install external lighting. Councillor Blakey sought an assurance that images from the CCTV camera to the front of the premises would be clear without external lighting, and was advised by Mr Heshanth that the CCTV system was of good quality.

In his closing statement Mr Burke emphasised that the Applicants were experienced, had a number of businesses, one of which was a petrol station that was open 24 hours and which they had owned for 5 years. The staff in the store were experienced, 1 having worked there for 10 years and another for 13. Both employees knew the customers, and the store already handled other age-restricted products. Mr and Mrs Heshanth had simply improved an existing business.

At 2.20pm the Sub-Committee **Resolved** to retire to deliberate the application in private. After re-convening at 2.25pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had considered the report of

the Licensing Team Leader, the written representations of 'other persons' and the verbal representations of the Applicant's Solicitor. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

**Resolved:**

That the Premises Licence be granted as follows:

Licensable Activities	Days & Hours Requested
Supply of alcohol (consumption off the premises)	Monday – Sunday 07:00 – 22:00 hrs
Opening Hours	Monday – Sunday 05:00 – 22:00 hrs

The Sub-Committee determined that the following mediated conditions agreed by the Applicant and Durham Constabulary and Durham Local Safeguarding Children From Harm Board would be added to the premises licence:

**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**

- No serving of alcohol to any person who appears to be drunk.
- Full initial staff training to be carried out by the DPS to ensure no alcohol is sold to anyone underage and refresher training to be carried out every 6 months.
- Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.
- CCTV will be provided in the form of a recordable system, capable of providing pictures particularly facial recognition. Cameras shall encompass all entrances and exists to the premise, where the sale/supply of alcohol occurs.
- The majority of staff will be trained to operate the CCTV system; this is to include viewing and downloading of the system. Regular refresher training will also be undertaken. Training records can be

made available for inspection upon reasonable request by police or other relevant officers of a responsible authority.

- All footage will be kept on the system for at least 28 days and will be made available to officers and responsible authorities when requested to do so.

**C. Public Safety**

- An incident log will be kept at all times.

**D. The prevention of public nuisance**

- Groups of people will be discouraged from congregating outside the premises.
- Signage will be displayed encouraging customers to leave quietly.
- At the end of business, staff will ensure that litter is collected from the front of the premises and the immediate vicinity.

**E. The protection of children from harm**

- A challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card i.e. ID4U.
- A refusal register will be kept and endorsed after every sale refused. This should be maintained and will be produced to a relevant officer of the police or other relevant officer of a responsible authority upon request. This is also to include over 18s purchasing alcohol and passing it on to under 18s (proxy sale).

The Sub-Committee considered the mediated conditions and believed it was necessary and proportionate to impose those conditions upon the licence, together with the standard licensing conditions.

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**Statutory Licensing Sub-Committee**

**22nd January 2018**

**Application for the grant of a**

**Premises Licence**

**Ordinary Decision**



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**Report of Ian Thompson, Corporate Director of Regeneration and Local Services**

**Councillor Brian Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships**

**Electoral division(s) affected:**

Framwellgate and Newton Hall

**Purpose of the Report**

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for Bells Fish & Chips, Finchale Road, Durham DH1 5RW.
- 2 A plan showing the location of the premises is attached at Appendix 2.

**Executive summary**

- 3 The application originally requested the granting of a new premises licence for a fish and chip shop for late night refreshment and the sale of alcohol until midnight. Four representations were received and the applicant proposed further conditions, removed late night refreshment as a licensable activity and amended the sale of alcohol and the closure time to 21:00 hrs. Three letters of representation have been withdrawn and one representation remains outstanding.
- 4 Durham County Council's Local Safeguarding Children Board, Public Health Department, Environmental Health and the Fire Authority responded to the consultation with no comments.
- 5 The Planning Authority commented on the application in relation to planning legislation. This has been forwarded to the applicant for their information.
- 6 Durham Constabulary mediated with the applicant and additional conditions were agreed.

## **Recommendation(s)**

- 7 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 8 The Sub-Committee is recommended to give appropriate weight to:
  - (a) The steps that are appropriate to promote the licensing objectives;
  - (b) The representations (including supporting information) presented by all parties;
  - (c) Durham County Council's Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 7.
  - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 8.

## **Background**

- 9 Background information

<b>Applicant</b>	<b>GJK (Durham) Ltd T/A Bells Fish and Chips</b> <b>Mr Graham Joseph Kennedy, Director</b>	
Type of Application: <b>Grant of a premises licence</b>	Date received: <b>24<sup>th</sup> November 2018</b>	Consultation ended: <b>21st December 2018</b>

## **Details of the application**

- 10 An application for the grant of a premises licence was received by the Licensing Authority on 24th November 2018. See Appendix 3.
- 11 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 12 The original licensable activities were as follows:

<b>Original Proposed Licensable Activities</b>	<b>Days &amp; Hours</b>
Sale by Retail of Alcohol (on sales only)	Monday to Sunday 10:00 hrs -00:00 hrs (midnight)

Late Night Refreshment	Monday to Sunday 23:00 hrs -00:00 hrs (midnight)
Proposed Opening Times	Monday to Sunday 10:00 hrs -00:00 hrs (midnight)

- 13 The applicant has proposed conditions and the steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application form.
- 14 The applicant has now removed late night refreshment from the application and amended the hours for the sale of alcohol, see below:

Amended Proposed Licensable Activities	Days & Hours
Sale by Retail of Alcohol (on sales only)	Monday to Sunday 10:00 hrs -21:00 hrs
Proposed Opening Times	Monday to Sunday 10:00 hrs – 22:00 hrs

- 15 The Applicant also proposed additional conditions to alleviate resident concerns, and mediated with Durham Constabulary, see Appendix 4.

### The Representations

- 16 The Licensing Authority received four letters of representation during the consultation period, one from Cllr Hopgood and three from local residents (other persons), namely Mr Malyan, Mrs Harrison and Mr Christison. Following mediation, additional proposed conditions and changes to licensable activities three of the representees withdrew, Cllr Hopgood, Mrs Harrison and Mr Malyan. Mr Christison's representation remains outstanding.
- 17 The Licensing Authority deemed the representations as relevant, relating to the following licensing objectives:
- The Prevention of Crime and Disorder

- The Prevention of Public Nuisance

A copy of the outstanding representation is attached as Appendix 5 .

18 Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the application:

- Durham County Council's Local Safeguarding Children Board
- Durham County Council's Public Health Department
- Durham County Council's Environmental Health Department
- County Durham and Darlington Fire Authority

Copies of these responses are attached at Appendix 6.

The licensing authority received a letter from the Planning Authority, not amounting to a representation and this has been forwarded to the Applicant for their information.

## **The Parties**

19 The Parties to the hearing will be:

- Mr Graham Joseph Kennedy GJK (Durham) Limited (Applicant)
- Ms Jane Gilliead (Applicant's Agent)
- Mr Paul Christison (Other person)

## **Options**

20 There are a number of options open to the Sub-Committee:

- (a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003;
- (b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and the mandatory conditions set out in the Licensing Act 2003;
- (c) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- (d) To refuse to specify a person on the licence as the Designated Premises Supervisor;

(e) To reject the application.

## Main implications

### *Legal Implications*

- 21 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

See Appendix 1.

### *Consultation*

- 22 The premises licence application was subject to a 28 day consultation.

See Appendix 1

## Conclusion

- 23 The Sub-Committee is asked to determine the application for the grant of a premises licence in light of the representations received.

## Background papers

- Durham County Council's Statement of Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003 (as amended April 2018)

## Other useful documents

- None
- 

Contact: Karen Robson

Tel: 03000 265104

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## **Appendix 1: Implications**

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### **Legal Implications**

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that:

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

In addition to this, it was stated that any condition attached to the licence should be an enforceable condition.

### **Consultation**

The premises licence application was subject to a 28 day consultation in accordance with the Licensing Act 2003 and its regulations.

The Responsible Authorities were consulted on the application.

The notice of application was displayed on the premises for a period of 28 days.

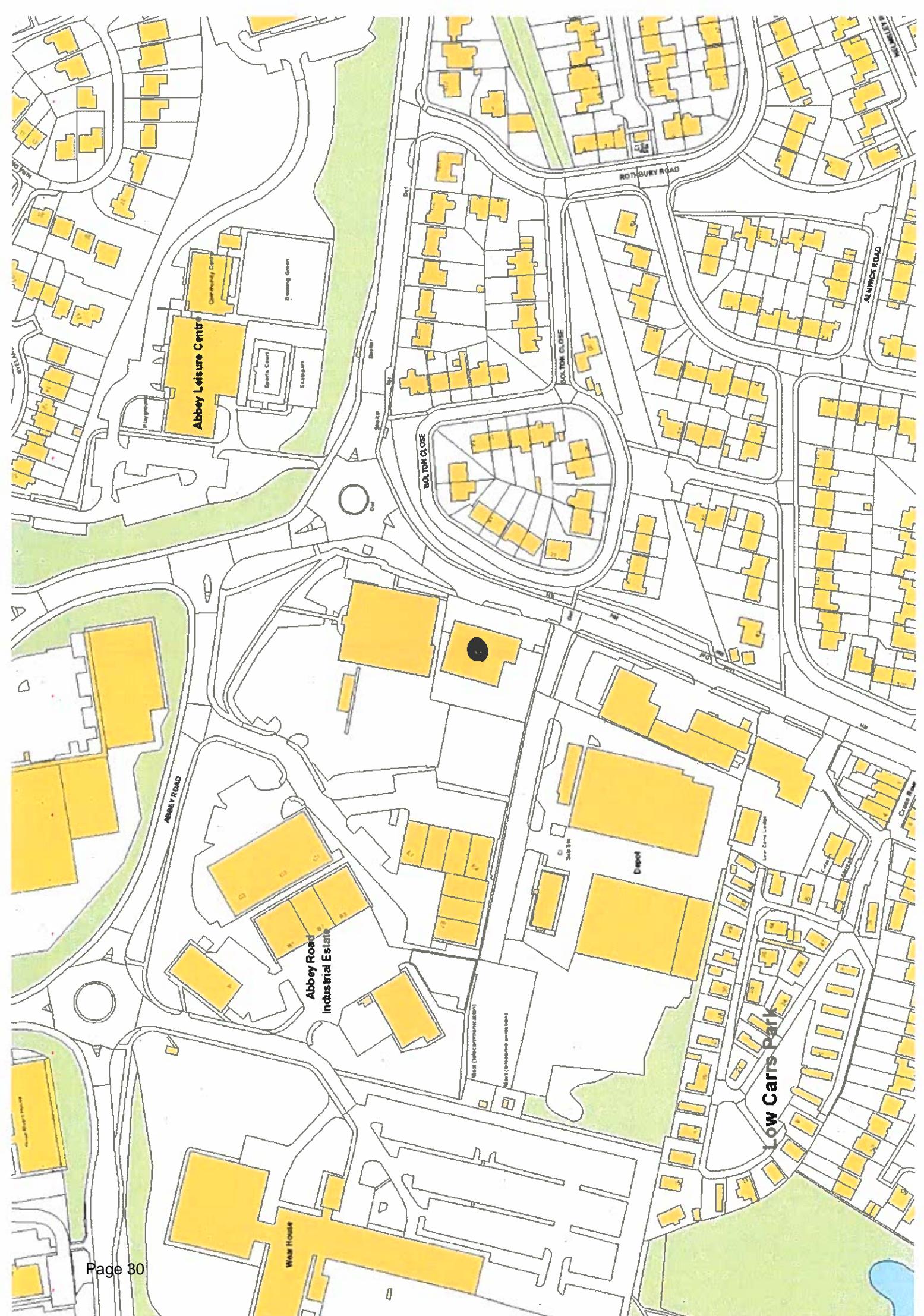
Notice of the application was published in a newspaper which was circulated within the vicinity of the premises.

In addition, details of the application were available to view on the Council's website throughout the 28 day consultation period.

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## **Appendix 2: Location Plan**

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### **Appendix 3: Application**

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**County Durham**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact

[licensing@durham.gov.uk](mailto:licensing@durham.gov.uk)

Telephone: 03000 261016

\* required information

### Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Graham Joseph

\* Family name

Kennedy

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes

No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

(GJK(Durham) Ltd Ta )Bells Fish and Chips

If the applicant's business is registered, use its registered name.

VAT number

-

Put "none" if the applicant is not registered for VAT.

Legal status

/

*Continued from previous page...*

Applicant's position in the business	<input type="text"/>
Home country	<input type="text"/> The country where the applicant's headquarters are.
<b>Registered Address</b>	Address registered with Companies House.
Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

#### **Agent Details**

* First name	<input type="text" value="Jane"/>
* Family name	<input type="text" value="Gilliead"/>
* E-mail	<input type="text"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader  
 A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

#### **Agent Business**

Is your business registered in the UK with Companies House?

Yes

No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status



### Section 3 of 21

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

#### Confirm The Following

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

### Section 4 of 21

#### NON INDIVIDUAL APPLICANTS

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

##### Non Individual Applicant's Name

Name

GJK (Durham) Ltd  
GJK FISH & CHIPS

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

19

**Director of Business**

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth

dd mm yyyy

\* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?

13 / 11 / 2018

dd mm yyyy

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

  /   /  

dd mm yyyy

Provide a general description of 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.

Fish and chip shop take away with extensive restaurant seated area.

*Continued from previous page...*

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

#### **Section 6 of 21**

##### **PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

#### **Section 7 of 21**

##### **PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

Yes

No

#### **Section 8 of 21**

##### **PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

#### **Section 9 of 21**

##### **PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

#### **Section 10 of 21**

##### **PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

#### **Section 11 of 21**

##### **PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

#### **Section 12 of 21**

##### **PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance? **NO**

*Continued from previous page...*

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes

No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes

No

**Standard Days And Timings**

**MONDAY**

Start

Start

End

End

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.

**TUESDAY**

Start

Start

End

End

**WEDNESDAY**

Start

Start

End

End

**THURSDAY**

Start

Start

End

End

**FRIDAY**

Start

Start

End

End

**SATURDAY**

Start

Start

End

End

**SUNDAY**

Start

Start

End

End

**Continued from previous page...**

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

restaurant serving hot food

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

## Section 15 of 21

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

#### Standard Days And Timings

##### MONDAY

Start

End

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.

Start

End

##### TUESDAY

Start

End

Start

End

*Continued from previous page...*

**WEDNESDAY**

Start **10:00**

End

Start

End **00:00**

**THURSDAY**

Start **10:00**

End

Start

End **00:00**

**FRIDAY**

Start **10:00**

End

Start

End **00:00**

**SATURDAY**

Start **10:00**

End

Start

End **00:00**

**SUNDAY**

Start **10:00**

End

Start

End **00:00**

Will the sale of alcohol be for consumption:

On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

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

**Continued from previous page...**

**Name**

First name

Family name

Date of birth

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number

(if known)

Issuing licensing authority  
(if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

none

*Continued from previous page...*

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

**MONDAY**

Start

End

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.

Start

End

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

**State any seasonal variations**

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

**Non standard timings.** Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

*Continued from previous page...*

## Section 18 of 21

### LICENSING OBJECTIVES

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

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

List here steps you will take to promote all four licensing objectives together.

Initial staff training to be carried out by DPS or approved member of staff to ensure no alcohol is sold to anyone underage and refresher training to be carried out every 6 months.

Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.

b) The prevention of crime and disorder

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.

Cameras shall encompass the inside and outside of all entrances and exits, as well as all areas where the sale / supply of alcohol occurs.

Equipment must be maintained in good working order, be correctly times and date stamped and kept for a period of 28 days.

The Premise Licence Holder must ensure at all times the DPS or appointed member of staff is capable and competent at viewing the CCTV and downloading the footage onto a disc, hard drive or memory stick when requested to do so by the police / local authority.

The recording equipment and discs / memory sticks shall be kept in a secure environment under the control of the DPS or other responsible named individual.

c) Public safety

The premise will be kept clean and free from any objects which may cause obstructions, with sufficient lighting inside and outside of the premise

d) The prevention of public nuisance

The business will maintain a refusals book to record all instances where the sale of alcohol has been refused. This shall include the date and time of the attempted sale, together with a description of the incident. The Designated Premise Supervisor/Store Manager/Business Owner will check and sign each page and the refusals book will be made available to the Licensing Authority and/or Responsible Authorities upon request.

e) The protection of children from harm

A 'Challenge 25 Policy' will be implemented with all staff insisting on evidence of age from any person appearing to be under 25 years of age and who is attempting to buy alcohol. There shall be a notice to inform customers and remind staff that the premise is operating a 'Challenge 25' policy.

An age verification policy is implemented, staff are trained according to the policy

## Section 19 of 21

### NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

**Continued from previous page...**

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]. I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

G

\* Capacity

AGENT

Date (dd/mm/yyyy)

16/10/2018

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/county-durham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

**Continued from previous page...**

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## **Section 21 of 21**

### **PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Premises licence fees can be calculated by visiting the Department for Culture Media and Sport website at [http://www.culture.gov.uk/what\\_we\\_do/alcohol\\_and\\_entertainment/3193.aspx](http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/3193.aspx)

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time. Details of these additional fees can be found on the website [http://www.culture.gov.uk/what\\_we\\_do/alcohol\\_and\\_entertainment/4040.aspx](http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4040.aspx)

\* Fee amount (£)

190.00

### **ATTACHMENTS**

### **AUTHORITY POSTAL ADDRESS**

#### **Address**

Building number or name

Street

District

City or town

County or administrative area

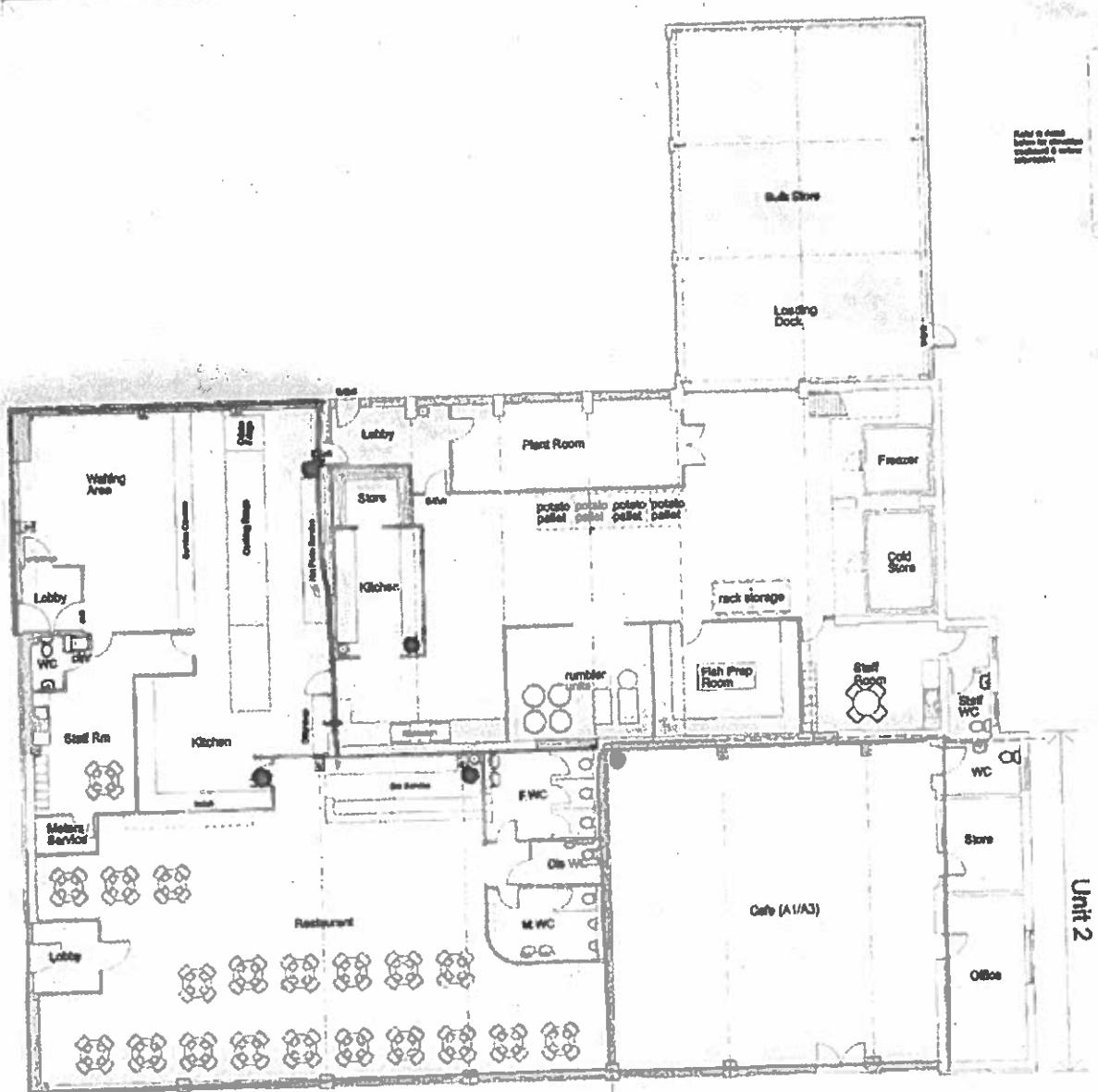
Postcode

Country

 United Kingdom

### **DECLARATION**

**Unit 1**



**Unit 1**

Unit 1 - Change of Use to  
A3 / AB  
706.8m<sup>2</sup> / 7627ft<sup>2</sup>

**Unit 2**

Unit 2 - Change of Use to  
A1 / A3  
158.6m<sup>2</sup> / 1700ft<sup>2</sup>

Licensed Area

- FIRE EXTINGUISHERS

Ground Floor Plan

**Proposed**

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## **Appendix 4: Applicant's amendment to the application**

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**Bells Fish & Chips, Finchale Road, Durham – Application for the grant of a premises licence**

Applicant proposed additional conditions following mediation with Durham Constabulary:

- Alcohol will only be available with a table meal
- A rubbish bin will be located outside of the premises (this will be emptied and washed out daily – as is practice at other sites)
- Staff will carry out regular checks and clear away any rubbish in the vicinity of the premises during opening times and just prior to closing

Applicant proposed further conditions to alleviate resident concerns:

- There will not be any tables or chairs outside
- The terminal hour for closing will be 10pm, with the intention to close at 9pm each evening
- Late night refreshment has been removed
- The sale of alcohol will cease at 9pm

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## **Appendix 5: Representation**

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**From:** F Christison <  
**Sent:** 16 December 2018 16:15  
**To:** AHS Licensing  
**Subject:** Bells finchale Road

>

**Categories:** Karen

If this is not the correct department please forward my objection.  
I would like to formally object to the late opening hours and proposed licensing at the soon to be opened bells fish shop at the former Gmd site. As far as I was aware it was agreed to shut at 9pm which would be much more reasonable for a suburban area where a huge number of houses are. Elderly, young children and families all live in the direct area and would be severely affected by late opening and that in conjunction with alcohol is a terrible inconsiderate idea. My objection is increased noise, increased traffic, increased anti social behaviour, increased rubbish, increased crime and intimidation to residents and passers by. Please do not risk the health and safety of the residents and passers by and have it shut at 9 and no alcohol preferably too.

P Christison

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**From:** F Christison <  
**Sent:** 18 December 2018 12:05  
**To:** Karen Robson  
**Subject:** Bells

I most definitely want my objection to stand and also would like to formally object to the amendments outlined in your response and as such have this email included in the meeting as well as my previous email.

I object that the premises will still be open until 22:00 hrs. This is far too late for a residential area with elderly, families and workers trying to sleep. The area around the site has previously had problems with what is termed as 'boy racers' - youths in and out of cars hanging around car parks making noise, nuisance and danger for the public. As the car park associated with the bells site will be open till ten o'clock this will be an obvious area for people to meet and congregate. And as the site is directly opposite numerous dwellings it will be clearly negative impact to the residents and also passers by on foot and by car on a very well used road and pathway. Alcohol being added into this mix will only exacerbate the situation.

I would ask that a more reasonable closing time of approx 20:00 hours would be more reasonable and if possible no alcohol served at all.

As for the provision of bins this will not alleviate the amount of rubbish that will no doubt be dropped in a larger radius from the shop.

As I have said I totally object to this and know I speak for many residents in the area who also object to late opening.

May I also add that many residents are elderly and although would like to object themselves do not use technology and so feel they can not get information nor raise their objections.

Regards j Christison

**From:** P Christison <  
**Sent:** 19 December 2018 16:25  
**To:** Karen Robson  
**Subject:** Re: Bells

Thank you for forwarding my emails. I am grateful that the alcohol license has been changed to 21:00 but this does not alter the fact that drinks bought up to 9pm can still be consumed up till the closing time - 11 pm and as such can lead to a lot of disruptive, anti social, intimidating, criminal etc behaviour. For example at 8.50 pm I could buy 8 bottles of wine and sit and drink them until shop closing time. I would like no alcohol and closing time of 20:00 hours at the latest for the safety of the residents of newton hall and surrounding areas. At the very least alcohol should only be able to be served when a proper meal is also consumed.

I would be grateful if you would continue to forward my continuing objection to all relevant departments.

Kind regards  
P Christison

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## **Appendix 6: Responses from Responsible Authorities**

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**From:** Mark Quinn  
**Sent:** 22 October 2018 16:47  
**To:**  
**Cc:**  
**Subject:** Karen Baker; AHS Licensing  
Licensing - NEW premises licence application Bells Fish & Chips Finchale Road  
Durham DH1 5RW

Good Morning / Afternoon,

My Ref: SB/2018/147

I represent the Durham Local Safeguarding Children Board (LSCB) which is a responsible authority under the licensing act. I have received a copy of your application for a premises licence for your premises at Bells Fish & Chips Finchale Road Durham DH1 5RW.

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I have no comments or objections regarding your application

**Mark Quinn**  
**Quality and Performance Coordinator**  
**Durham Local Safeguarding Children Board**

Tel. 1

County Hall  
Durham  
DH1 5UJ

---

**From:** Sean Barry  
**Sent:** 23 October 2018 15:13  
**To:** Karen Baker  
**Cc:** AHS Licensing  
**Subject:** RE: Licensing - NEW premises licence application Bells Fish & Chips Finchale Road Durham DH1 5RW

**Good Afternoon**

I have received a new licence application for the establishment: Bells Fish & Chips Finchale Road Durham DH1 5RW

I have no comments or objections to make on behalf of County Durham Public Health.

My Ref: PH/2018/045

Thanks  
Sean

**From:** Martin Scott  
**Sent:** 26 October 2018 10:14  
**To:** Karen Baker  
**Subject:** Bells Fish and Chips, Framwellgate Moor

Dear Karen

**Thank you for consulting the Nuisance Action Team, regarding the New Premises Licence application for:**

## **Bells Fish and Chips, Framwellgate Moor,**

Dated: 19<sup>th</sup>, October, 2018.

I have no representations to make regarding the application.

Regards

**Martin Scott**  
**Senior Environmental Health Officer**  
Environment, Health & Consumer Protection  
Regeneration and Local Services

**Direct:** (Switchbox)  
**E-mail:**

Web: [www.durham.gov.uk](http://www.durham.gov.uk)  
Follow us on Twitter @durhamcouncil  
Like us at [facebook.com/durhamcouncil](https://facebook.com/durhamcouncil)

We have recently updated our privacy information. To find out how we collect, use, share and retain your personal data, visit: [www.durham.gov.uk/dataprivacy](http://www.durham.gov.uk/dataprivacy)

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**From:** FS-Durham <  
**Sent:** 08 November 2018 14:21  
**To:** Karen Baker  
**Subject:** RE: Licensing - NEW premises licence application Bells Fish & Chips Finchale Road Durham DH1 5RW

Hi Karen

I can confirm that the fire authority have no comment or objections to the proposed application.

Kind regards

Danny

Danny Thompson GIfireE

**Business Fire Safety Officer**

Tel:

Mob

Ema

www

Safest People, Safest Places

**2 or 3 breaths of toxic smoke and you're unconscious**

**Don't drown in toxic smoke**

**Test your smoke alarm today**

Contact: Allan Fenwick  
Direct Tel:  
Fax:  
email:  
Your ref:  
Our ref: CON28/18/02581



Environment, Health and Consumer Protection  
Annand House  
Meadowfield  
Durham County Council  
DL7 8RS

22/10/2018

For the Attention of Ms K Baker

<b>Proposed Development</b>	<b>Premises Licence</b>
<b>Location</b>	<b>Bells Fish and Chips, Finchale Road, Framwellgate Moor, County Durham, DH1 5RW</b>

I write further to your recent correspondence submitted to and received by the Local Planning Authority on 19 October 2018 in respect of the above development.

As requested and based upon the information provided, I can confirm the Local Planning Authority offers no objection to the *Application for Premises Licence* as legislated under the *Licensing Act 2003* given the premises relates to a recently determined planning application for a mixed use development (*DM/18/00679/FPA*) situated within the eastern part of *Abbey Road Industrial Estate*.

However, the Local Planning Authority will require an *Application for Variation of a Condition Following Grant of Planning Permission* as legislated under the provision of *The Town and Country Planning Act 1990*. Accordingly, the fee for such an application would be £234.00.

As you may be aware, the site to which this consultation relates was subject of a recent planning application submitted to and subsequently determined by the Local Planning Authority (*DM/18/00679/FPA: Partial Change of Use from Car Showroom to create 1 No Cafe/Restaurant and Take Away Unit (Use Classes A3 and A5) and 1 No Retail and/or Light Industry Unit (Use Class A1/A2 and B1) including Minor Alterations to Parapet Edge of Existing Roof and Side Elevation: Approved 13/06/2018*).

**Continued...**

#### **Regeneration and Local Services**

Durham County Council, Central and East, Room 4/86-102, County Hall, Durham, DH1 5UL  
Main Telephone: 03000 262 830

Indeed, Condition(s) 3 states *The A3/A5 use hereby approved shall not be open to customers outside the hours of 11:15 to 23:00 Monday to Saturday and 12:00 to 16:00 Sundays and Bank or Public Holidays in the interests of residential amenity in accordance with the aims of saved Policy EMP5 of the City of Durham Local Plan and Paragraph 123 of National Planning Policy Framework.*

As you will appreciate, the proposed provision of late night refreshment, supply of alcohol and opening hours of the premises as identified within the *Application for Premises Licence* would appear to exceed the opening hours of the recently approved planning application.

Please note the information provided within this correspondence contains informal officer advice made for guidance purposes only and cannot prejudge any future decision of the Local Planning Authority.

I trust this information is of value, however, should you require any further information please do not hesitate to contact me direct.

Yours sincerely

**Allan Fenwick  
Planning Services**

*Encl DCC, Approval of Planning Permission, Application Number DM/18/00697/FPA*

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## **Appendix 7: Statement of Licensing Policy**

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## **DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY**

### **7.0 The Prevention of Crime and Disorder**

7.1 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.

7.2 As a matter of policy, the Licensing Authority will require every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter.

7.3 The Licensing Authority recommends that all 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 14 television in certain premises should be considered by applicants, licensees and event organisers when addressing this issue.

7.4 The Licensing Authority encourages Personal Licence holders to 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. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

7.5 The Licensing Authority recognises and promotes effective and responsible management of all licensed and authorised premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are considered 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.

7.6 The application for premises licence 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.

7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or

issues arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. 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.

7.8 The Licensing Authority will only impose a maximum number of people that can attend 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.

7.9 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.

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

7.11 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 do to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

7.12 Toughened/Safety Glass Policy: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

7.13 Drugs/Knives/Weapons: The Licensing Authority will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands within the

premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

## **DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY**

### **9.0 Prevention of Public Nuisance**

9.1 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.

9.2 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, location and characteristics of the premises and events.

9.3 If an external structure or area is to be used by customers, whether for consumption of alcohol or for 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.

9.4 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 often be required. Enquiries for such consents should be made to the Council's Highway's Section of the Regeneration and Economic Development Department. In predominantly commercial areas such as shopping centres the Licensing Authority, the use of tables and chairs outside may be allowed however, the Council will normally expect them to be removed before the premises close, and any resulting litter/ debris cleared away.

9.5 Applicants should give consideration to reducing potential noise nuisance by, for example (this list is not exhaustive):

- 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, double doors / lobbies to entrances, windows used for ventilation).
- 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.

9.6 The extent to which the above matters will need to be addressed will be dependent 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.

**9.7** 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.

**9.8 Takeaways and fast-food outlets:** The Licensing Authority expects takeaways and late night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also provide notices displayed advising customers of the location of bins and patrons should use the bins any provided.

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## **Appendix 8: Section 182 Guidance**

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## **Crime and disorder**

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as

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

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

## **Public nuisance**

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti- social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

**Statutory Licensing Sub-Committee**

**22nd January 2018**

**Application for the variation of a**

**Premises Licence**

**Ordinary Decision**



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**Report of Ian Thompson, Corporate Director of Regeneration and Local Services**

**Councillor Brian Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships**

**Electoral division(s) affected:**

Elvet and Gilesgate

**Purpose of the Report**

- 1 The Sub-Committee is asked to consider and determine the application for the variation of a premises licence for Bar 33, First Floor, 29-33 Neville Street, Durham City, DH1 4EY.
- 2 A plan showing the location of the premises is attached at Appendix 2.

**Executive summary**

- 3 The application is for the variation of an existing premises licence for Bar 33, Neville Street, Durham to extend the hours for opening and all licensable activities on a Sunday. To add seasonal variations in respect of New Year's Eve and British Summer Time. Two letters of representation were received, one from Durham Parish Council and one from a local resident, Mr McKeon. Durham Parish Council withdrew their representation and Mr McKeon's representation remains.
- 4 Durham Constabulary, Durham County Council Local Safeguarding Children Board, and Environmental Health have responded to the consultation with no comments.
- 5 The Planning Authority commented on the application in relation to planning legislation. This has been forwarded to the applicant for their information.

**Recommendation(s)**

- 5 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 6 The Sub-Committee is recommended to give appropriate weight to:
  - (a) The steps that are appropriate to promote the licensing objectives;
  - (b) The representations (including supporting information) presented by all parties;
  - (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 6.
  - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 7.

## **Background**

- 7 Background information

<b>Applicant</b>	<b>33 Durham Limited</b>	
Type of Application:	Date received:	Consultation ended:
<b>Variation of a premises licence</b>	<b>28<sup>th</sup> November 2018</b>	<b>26th December 2018</b>

## **Details of the application**

- 8 An application for the variation of a premises licence was received by the Licensing Authority on 26th November 2018. A copy of the application is attached at Appendix 3, this includes a copy of the existing premises licence for information purposes.
- 9 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 10 The current licensable activities are as follows:

<b>Current Licensable Activities</b>	<b>Days &amp; Hours</b>
Supply of Alcohol (on sales only)	Monday to Saturday 11:00 hrs -02:00 hrs Sunday 12:00 hrs -22:30 hrs
Late Night Refreshment (indoors)	Monday to Saturday 23:00 hrs -02:00 hrs

Live Music (indoors)	Monday to Saturday 11:00 hrs -23:00 hrs Sunday 12:00 hrs -22:30hrs
Films Indoors & Recorded Music Indoors	Monday to Saturday 11:00 hrs -02:00 hrs Sunday 12:00 hrs -22:30 hrs
Opening Hours	Monday to Saturday 11:00 hrs -02:30 hrs Sunday 12:00 hrs -23:00 hrs

- 11 The applicant has proposed conditions and the steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application form.
- 12 The applicant has requested the following, see below:

Proposed Licensable Activities	Days & Hours
Supply of Alcohol (on sales only)	Sunday 12:00 hrs -02:00 hrs
Late Night Refreshment	Sunday 23:00 hrs -02:00 hrs
Live Music (indoors)	Sunday 12:00 hrs – 23:00 hrs
Films Indoors & Recorded Music Indoors	Sunday 12:00 hrs -02:00 hrs
Opening Hours	Sunday 12:00 hrs -02:30 hrs

## The Representations

- 13 The Licensing Authority received two letters of representation, one from Durham Parish Council and one from Mr McKeon (other person) during the consultation period. Durham Parish Council withdraw their representation following a meeting with the Designated Premises Supervisor. Mr McKeon's letter of representation remains.
- 14 The Licensing Authority deemed the representations as relevant, relating to the following licensing objectives:
- The Prevention of Crime and Disorder

- The Prevention of Public Nuisance

A copy of the outstanding representation is attached as Appendix 4.

15 Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the application:

- Durham Constabulary
- Durham County Council's Local Safeguarding Children Board
- Durham County Council's Environmental Health Department

Copies of these responses are attached at Appendix 5.

The licensing authority received a letter from the Planning Authority, not amounting to a representation and this has been forwarded to the Applicant for their information.

## **The Parties**

16 The Parties to the hearing will be:

- 33 Durham Limited - (Applicant)
- Mr Matt Foster (Applicant's Solicitor)
- Mr McKeon (Other person)

## **Options**

17 There are a number of options open to the Sub-Committee:

- (a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003;
- (b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and the mandatory conditions set out in the Licensing Act 2003;
- (c) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- (d) To refuse to specify a person on the licence as the Designated Premises Supervisor;
- (e) To reject the application.

## **Main implications**

### *Legal Implications*

- 18 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

See Appendix 1.

### *Consultation*

- 19 The premises licence application was subject to a 28 day consultation.

See Appendix 1

### **Conclusion**

- 20 The Sub-Committee is asked to determine the application for the variation of a premises licence in light of the representations received.

### **Background papers**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003 (as amended April 2018)

### **Other useful documents**

- None
- 

**Contact:** Karen Robson

**Tel:** 03000 265104

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## **Appendix 1: Implications**

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### **Legal Implications**

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that:

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

In addition to this, it was stated that any condition attached to the licence should be an enforceable condition.

### **Consultation**

The premises licence application was subject to a 28 day consultation in accordance with the Licensing Act 2003 and its regulations.

The Responsible Authorities were consulted on the application.

The notice of application was displayed on the premises for a period of 28 days.

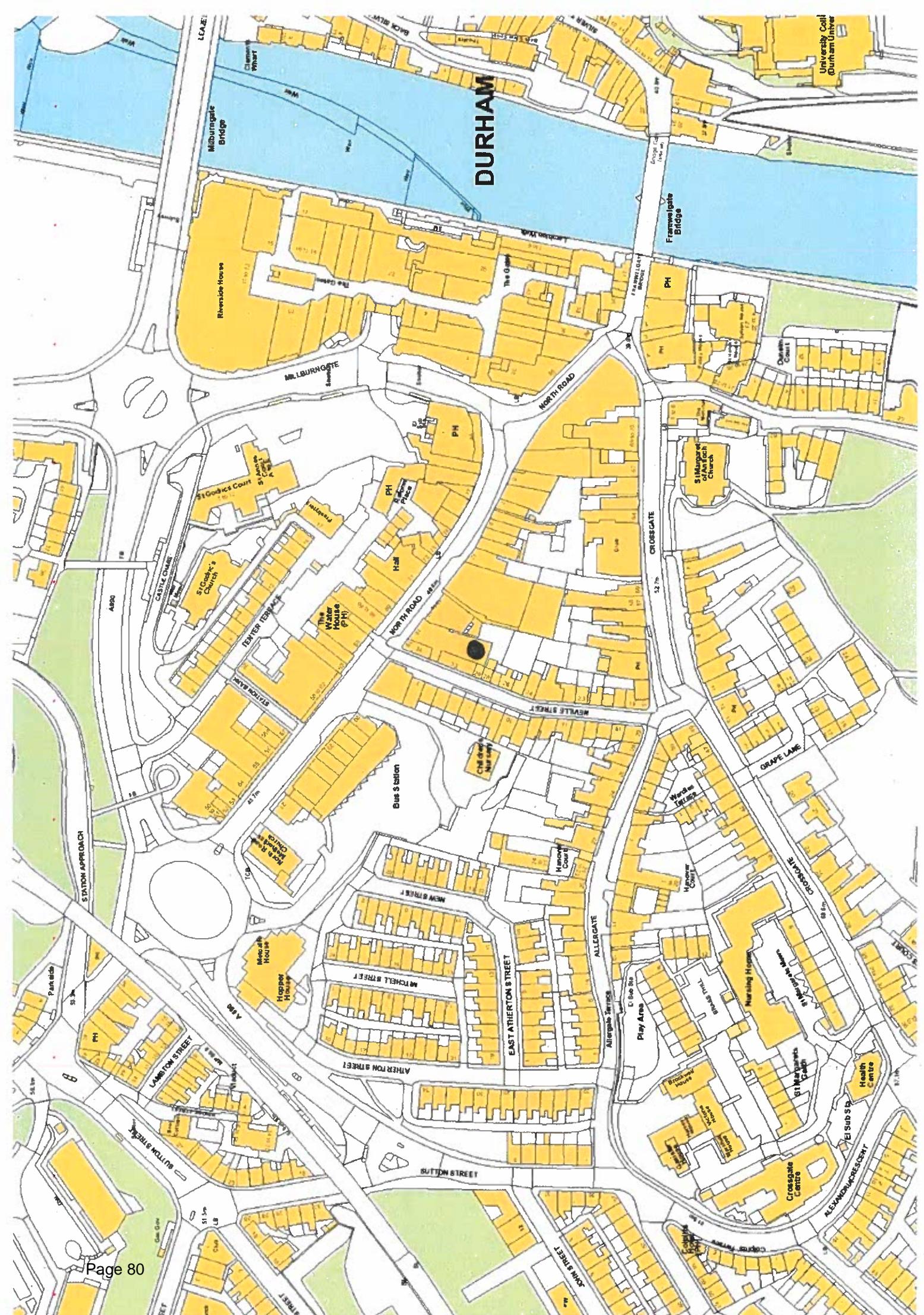
Notice of the application was published in a newspaper which was circulated within the vicinity of the premises.

In addition, details of the application were available to view on the Council's website throughout the 28 day consultation period.

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## **Appendix 2: Location Plan**

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## **Appendix 3: Application**

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**County Durham**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@durham.gov.uk](mailto:licensing@durham.gov.uk)  
Telephone: 03000 261016

\* required information

### Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

MEF33D1FIRST

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Jamie

\* Family name

Wyatt

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes       No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

33 Durham Limited

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

**Continued from previous page...**

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

**Agent Business**

Is your business registered in the UK with Companies House?

Yes

No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

**Continued from previous page...**

Your position in the business	Partner	
Home country	United Kingdom	The country where the headquarters of your business is located.
<b>Agent Registered Address</b>		Address registered with Companies House.
Building number or name		
Street		
District		
City or town		
County or administrative area		
Postcode		
Country		

## **Section 2 of 18**

### **APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

LAPRE/08/0066

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

### **Postal Address Of Premises**

Building number or name

Bar 33, First Floor, 29-33

Street

Neville Street

District

City or town

Durham

County or administrative area

County Durham

Postcode

DH1 4EY

Country

United Kingdom

### **Premises Contact Details**

Telephone number

**Continued from previous page...**

Non-domestic rateable  
value of premises (£)

8,700

### **Section 3 of 18**

#### **VARIATION**

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

Yes

No

Do you want the proposed variation to have effect in relation to the  
introduction of the late night levy?

Yes

No

You do not have to pay a fee if the only  
purpose of the variation for which you are  
applying is to avoid becoming liable to the  
late night levy.

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

#### **Describe Briefly The Nature Of The Proposed Variation**

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.

To extend the hours for opening and all licensable activities on a Sunday. To add late night refreshment on a Sunday. To add seasonal variations in respect of New Year's Eve and British Summer Time.

### **Section 4 of 18**

#### **PROVISION OF PLAYS**

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to  
vary is successful?

Yes

No

### **Section 5 of 18**

#### **PROVISION OF FILMS**

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to  
vary is successful?

Yes

No

#### **Standard Days And Timings**

*Continued from previous page...*

**MONDAY**

Start

End

Start

End

Provide 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.

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

Will the exhibition of films take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other  
structure select as appropriate. Indoors may  
include a tent.

State 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.

[Large empty box for notes]

State any seasonal variations for the exhibition of film.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

[Large empty box for notes]

*Continued from previous page...*

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The premises will be permitted an additional hour of activities and opening hours on the day on which the clocks go forward for British Summer Time.

To extend the hours for the sale of alcohol from the finish time on New Year's Eve to the start time on New Year's Day.

#### **Section 6 of 18**

##### **PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes       No

#### **Section 7 of 18**

##### **PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes       No

#### **Section 8 of 18**

##### **PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes       No

#### **Standard Days And Timings**

##### **MONDAY**

Start

End

Start

End

Provide 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.

##### **TUESDAY**

Start

End

Start

End

##### **WEDNESDAY**

Start

End

Start

End

*Continued from previous page...*

**THURSDAY**

Start	<b>11:00</b>	End	<b>23:00</b>
Start	<input type="text"/>	End	<input type="text"/>

**FRIDAY**

Start	<b>11:00</b>	End	<b>23:00</b>
Start	<input type="text"/>	End	<input type="text"/>

**SATURDAY**

Start	<b>11:00</b>	End	<b>23:00</b>
Start	<input type="text"/>	End	<input type="text"/>

**SUNDAY**

Start	<b>12:00</b>	End	<b>23:00</b>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of live music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State 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.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The premises will be permitted an additional hour of activities and opening hours on the day on which the clocks go forward for British Summer Time.

To extend the hours for the sale of alcohol from the finish time on New Year's Eve to the start time on New Year's Day.

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

*Continued from previous page...*

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes       No

#### Standard Days And Timings

##### MONDAY

Start	11:00
Start	<input type="text"/>

End	02:00
End	<input type="text"/>

Provide 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.

##### TUESDAY

Start	11:00
Start	<input type="text"/>

End	02:00
End	<input type="text"/>

##### WEDNESDAY

Start	11:00
Start	<input type="text"/>

End	02:00
End	<input type="text"/>

##### THURSDAY

Start	11:00
Start	<input type="text"/>

End	02:00
End	<input type="text"/>

##### FRIDAY

Start	11:00
Start	<input type="text"/>

End	02:00
End	<input type="text"/>

##### SATURDAY

Start	11:00
Start	<input type="text"/>

End	02:00
End	<input type="text"/>

##### SUNDAY

Start	12:00
Start	<input type="text"/>

End	02:00
End	<input type="text"/>

Will the playing of recorded music take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State 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.

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State any seasonal variations for playing recorded music.

*Continued from previous page...*

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The premises will be permitted an additional hour of activities and opening hours on the day on which the clocks go forward for British Summer Time.

To extend the hours for the sale of alcohol from the finish time on New Year's Eve to the start time on New Year's Day.

#### **Section 10 of 18**

##### **PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes       No

#### **Section 11 of 18**

##### **PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes       No

#### **Section 12 of 18**

##### **PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes       No

##### **Standard Days And Timings**

MONDAY

Start	23:00
Start	

End	02:00
End	

Provide 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.

*Continued from previous page...*

**TUESDAY**

Start	23:00	End	02:00
Start	[ ]	End	[ ]

**WEDNESDAY**

Start	23:00	End	02:00
Start	[ ]	End	[ ]

**THURSDAY**

Start	23:00	End	02:00
Start	[ ]	End	[ ]

**FRIDAY**

Start	23:00	End	02:00
Start	[ ]	End	[ ]

**SATURDAY**

Start	23:00	End	02:00
Start	[ ]	End	[ ]

**SUNDAY**

Start	23:00	End	02:00
Start	[ ]	End	[ ]

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State 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.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

*Continued from previous page...*

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The premises will be permitted an additional hour of activities and opening hours on the day on which the clocks go forward for British Summer Time.

To extend the hours for the sale of alcohol from the finish time on New Year's Eve to the start time on New Year's Day.

### Section 13 of 18

#### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes       No

#### Standard Days And Timings

##### MONDAY

Start   
Start

End   
End

Provide 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.

##### TUESDAY

Start   
Start

End   
End

##### WEDNESDAY

Start   
Start

End   
End

##### THURSDAY

Start   
Start

End   
End

##### FRIDAY

Start   
Start

End   
End

##### SATURDAY

Start   
Start

End   
End

##### SUNDAY

Start   
Start

End   
End

**Continued from previous page...**

Will the sale of alcohol be for consumption?

On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

--

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The premises will be permitted an additional hour of activities and opening hours on the day on which the clocks go forward for British Summer Time.

To extend the hours for the sale of alcohol from the finish time on New Year's Eve to the start time on New Year's Day.

#### **Section 14 of 18**

#### **ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

None

#### **Section 15 of 18**

#### **HOURS PREMISES ARE OPEN TO THE PUBLIC**

##### **Standard Days And Timings**

###### **MONDAY**

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the day of the week when you intend the premises to be used for the activity.

###### **TUESDAY**

Start

End

Start

End

**Continued from previous page...**

**WEDNESDAY**

Start	11:00	End	02:30
Start		End	

**THURSDAY**

Start	11:00	End	02:30
Start		End	

**FRIDAY**

Start	11:00	End	02:30
Start		End	

**SATURDAY**

Start	11:00	End	02:30
Start		End	

**SUNDAY**

Start	12:00	End	02:30
Start		End	

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

The premises will be permitted an additional hour of activities and opening hours on the day on which the clocks go forward for British Summer Time.

To extend the hours for the sale of alcohol from the finish time on New Year's Eve to the start time on New Year's Day.

I have enclosed the premises licence  
Page 94

**Continued from previous page...**

- I have enclosed the relevant part of the premises licence

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

The premises licence is currently with the licensing authority for a minor variation.

#### **Section 16 of 18**

##### **LICENSING OBJECTIVES**

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

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

List here steps you will take to promote all four licensing objectives together.

We do not consider that any additional measures are required on the premises licence in order to promote the licensing objectives.

- b) The prevention of crime and disorder

As per conditions

- c) Public safety

As per conditions

- d) The prevention of public nuisance

As per conditions

- e) The protection of children from harm

As per conditions

#### **Section 17 of 18**

##### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

 United Kingdom

**DECLARATION**

I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

Date (dd/mm/yyyy)

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/county-durham/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**



## LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number

Granted  
Issued

LAPRE/08/0066

24 November 2005

24 November 2018

### Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<b>BAR 33</b> 29-33 NEVILLE STREET DURHAM CITY DH1 4EY	DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number: 0191 3842685	

### Where the licence is time limited the dates

N/A

### Licensable activities authorised by this licence

Films  
Live Music  
Recorded Music  
Late Night Refreshment  
Sale by retail of alcohol

### Opening Hours of the Premises

		Non-standard/seasonal timings
Mon	11:00-02:30	
Tue	11:00-02:30	N/A
Wed	11:00-02:30	
Thu	11:00-02:30	
Fri	11:00-02:30	
Sat	11:00-02:30	
Sun	12:00-23:00	

Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales:  
**ON ALCOHOL SALES ONLY**

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

<b>Films Indoors</b> Mon 11:00-02:00 Tue 11:00-02:00 Wed 11:00-02:00 Thu 11:00-02:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 12:00-22:30	<b>Further details</b> N/A <b>Non-standard/seasonal timings</b> N/A
<b>Live Music Indoors</b> Mon 11:00-23:00 Tue 11:00-23:00 Wed 11:00-23:00 Thu 11:00-23:00 Fri 11:00-23:00 Sat 11:00-23:00 Sun 12:00-22:30	<b>Further details</b> N/A <b>Non-standard/seasonal timings</b> N/A
<b>Recorded Music Indoors</b> Mon 11:00-02:00 Tue 11:00-02:00 Wed 11:00-02:00 Thu 11:00-02:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 12:00-22:30	<b>Further details</b> N/A <b>Non-standard/seasonal timings</b> N/A
<b>Late Night Refreshment Indoors</b> Mon 23:00-02:00 Tue 23:00-02:00 Wed 23:00-02:00 Thu 23:00-02:00 Fri 23:00-02:00 Sat 23:00-02:00	<b>Further details</b> N/A <b>Non-standard/seasonal timings</b> N/A
<b>Sale by retail of alcohol</b> Mon 11:00-02:00 Tue 11:00-02:00 Wed 11:00-02:00 Thu 11:00-02:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 12:00-22:30	<b>Further details</b> N/A <b>Non-standard/seasonal timings</b> N/A

Part 2

<b>Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence</b>	
33 DURHAM LTD	
<b>Registered number of holder, for example company number, charity number (where applicable)</b>	
Company no:	
Charity no:	
<b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol</b>	
MR JAMIE WYATT	
<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol</b>	
J	

**Annex 1 – Mandatory conditions**

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol -

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

(a) a holographic mark, or

(b) an ultraviolet feature.

The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider:  $\frac{1}{2}$  pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

#### **Minimum Price of Alcohol:**

1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition:

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### **Mandatory condition: door supervision**

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
2. But nothing in subsection (1) requires such a condition to be imposed-
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
  - (b) in respect of premises in relation to-
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section-
  - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

#### **Mandatory condition: exhibition of films**

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where-
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section-
- "children" means persons aged under 18; and
- "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

This Premises Licence has been granted upon conversion under schedule 8 of the Licensing Act 2003 of the previous Justices' On Licence, and such rights and restrictions that applied to such Licence are hereby incorporated into this Premises Licence, subject to any express terms to the contrary hereinafter specified, and/or any restriction applying to a Premises Licence and/or any licensable activity.

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

### **General**

None

### **The Prevention of Crime & Disorder**

Initial staff training to be carried out by the DPS or an approved member of staff to ensure that no alcohol is sold to anyone underage. Refresher training to be carried out every 6 months. Training records are to be kept for every member of staff, and endorsed after every training session. The records will be made available to officers and responsible authorities upon reasonable lawful request. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality. The system: shall encompass the inside and outside of all entrances and exits to the premises, the stairwell and all areas inside the premise where the sale/supply of alcohol occurs. must be maintained in good working order, be correctly time and date stamped. Recordings must be kept in date order, numbered sequentially and kept for a period of 28 days. will incorporate a battery backup system to enable 24 hour continuous recording in case any power blackout/failure.

The premise licence holder must ensure at all times a DPS, or appointed member of staff, is capable and competent at downloading CCTV footage in a recordable format, either onto a disc, hard drive or memory stick to the police. This will be made available to the local authority within a reasonable timescale agreed between the officer and appointed person upon receipt of a lawful request. The recording equipment, and means of transferring the recordings shall be kept in a secure environment under the control of the DPS or other appointed member of staff. An operational weekly CCTV log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant with the premises licence conditions. In the event of any failings, actions taken are to be recorded.

At least one door supervisor is required on the below days and times:-

Wednesdays during University team time - 22:00hrs to 01:00hrs Friday 22:00hrs to 02:00hrs and Saturday 21:00hrs to 02:00hrs

An operational daily log must be kept documenting door supervisor information. This is to include full name, date of birth, full badge number, contact phone number, security companies name and start and finish times.

### **Public Safety**

Fire exits and equipment clearly marked

Staff training will include health and safety

First Aid facilities will be available An incident log will be kept at all times

### **The Prevention of Public Nuisance**

Door and windows will be kept closed whilst live music is being played except for access and egress.

### **The Protection of Children from Harm**

A proof of age policy shall be in place for people under 25 years of age via the Challenge 25 Scheme The only forms of identification we will accept are a passport, a photo driving licence and "PASS" hologram ID. A refusal register will be kept and endorsed after every sale of alcohol and entry to the premise refused. This is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales)

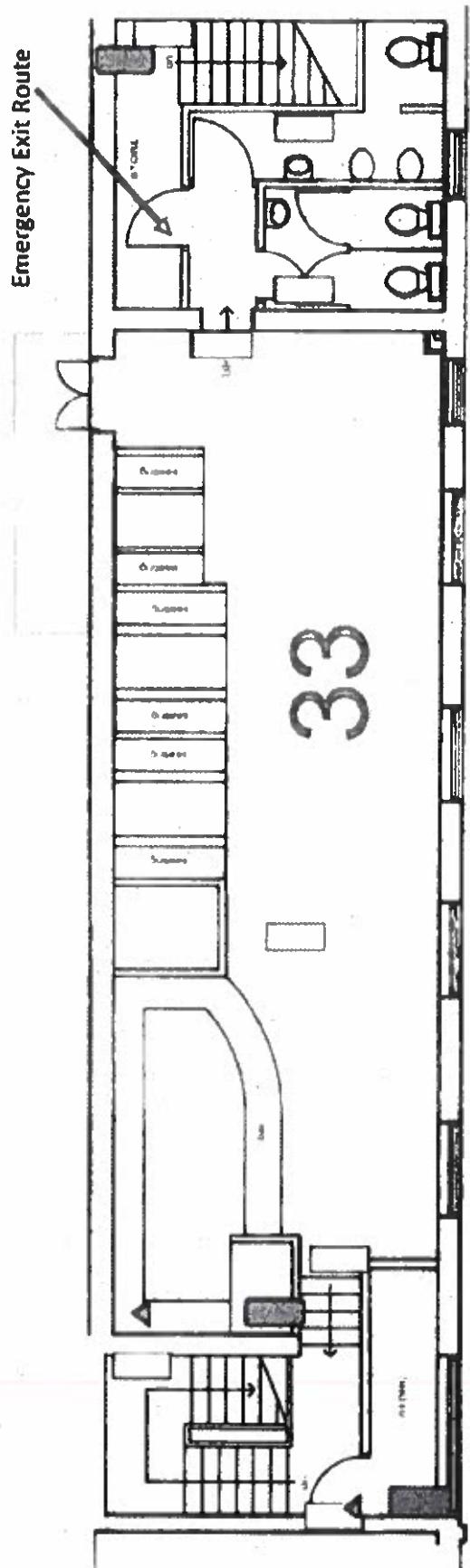
**Annex 3 – Conditions attached after a hearing by the licensing authority**

None

**Annex 4 – Plans attached**

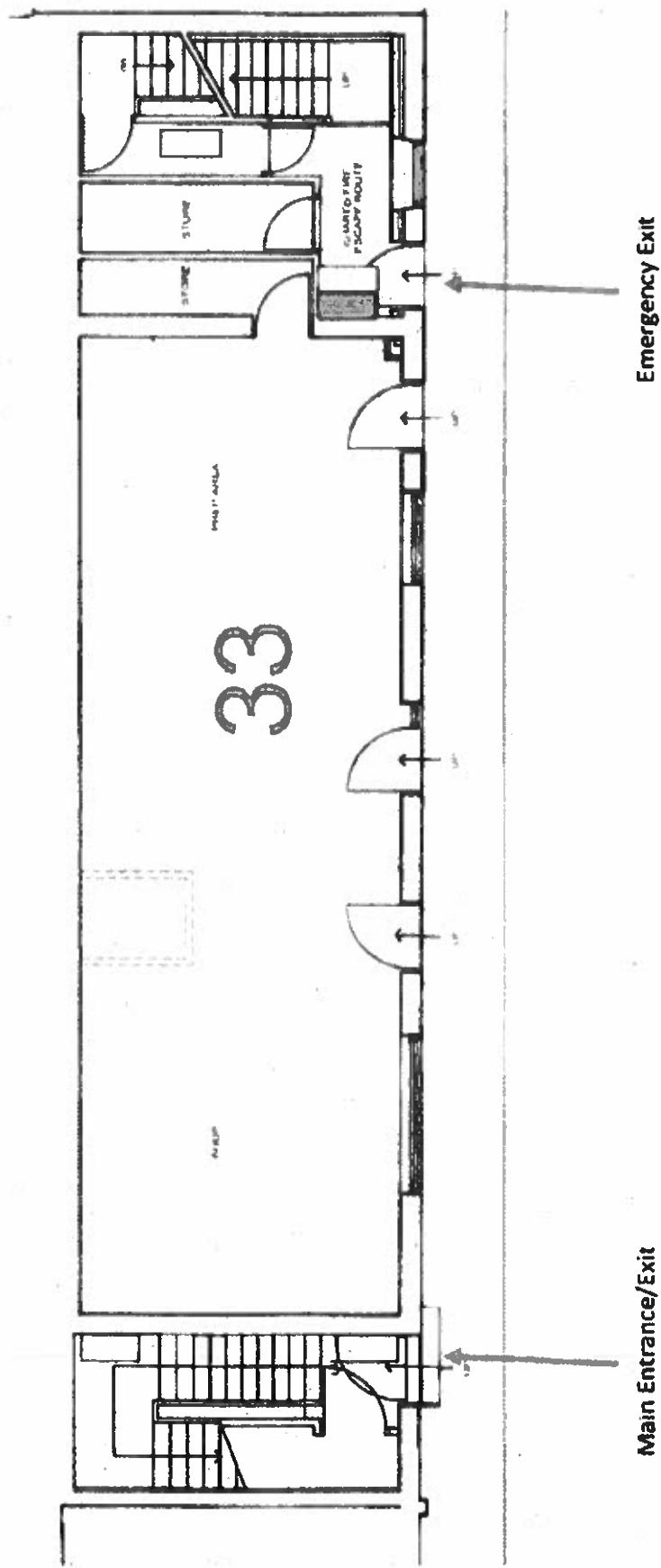
Attached

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



**Bar 33 Durham – First Floor 29-33 Neville Street, Durham, DH1 4EY**  
**FIRST FLOOR**

Symbol	Description
Emergency Liaison	Liaison
▲	Break Glass Fire Alarm Call Point
■	Fire Extinguisher



**Bar 33 Durham – First Floor 29-33 Neville Street, Durham, DH1 4EY  
GROUND FLOOR/ACCESS TO/FROM NEVILLE STREET**

Main Entrance/Exit      Emergency Exit

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## **Appendix 4: Representation**

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**From:** b mckeon  
**Sent:** 25 December 2018 21:58  
**To:** AHS Licensing  
**Subject:** Re Application to vary a premises licence

An application in the name of 33 Durham Limited for a business called Bar 33, situated at The First Floor, 29-33 Neville Street, Durham DH1 4EY to vary a premises licence issued a number of years ago to a business with another name, namely, The Fishtank.

I wish to oppose this new application in every respect.

I have lived in this street for over thirty years and I am now the last remaining permanent resident living in the street, the remaining residents being in the main students.

I am a member of the Crossgate Community Partnership which amongst other things is concerned with trying to protect the remnant quality of life in this area of Durham City even though we are now fighting in the main for the quality of life of our transitory population, namely the students, since they rarely spend more than a year in the same address.

The licensed premises in question is situated in a densely packed area of student accommodation in mainly terraced housing at the bottom of a narrow steep street in the centre of Durham City.

There are over a hundred students living in the street and something like 10 students in the house next door to Bar 33 (Ruby House) alone, about 6 in no. 28, the other side of Bar 33 and 6 next-door to no. 28 in no. 26 etc..

The owner of Bar 33 has already obtained a late night licence for another club in the basement of the same property and a further late night licence for a third premises on the ground floor, called Stanton's, selling hot food on some nights until as late as 3.00 a. m..

This late night hot food business is a source of particular annoyance to those living around it as it results in at least some of the customers hanging about the narrow street making considerable noise whilst consuming their purchase even after 3.00 a. m..

This late night disturbance has forced me to sleep in the bathroom at the back of my house in order to avoid that source of late night disturbance.

Many of the students who will be affected by the proposed extension of the licence are already being disturbed by the late night noise emanating from two further nightclubs, The Union Bar and The Loft operating just behind Bar 33.

Basically Neville Street is predominantly a densely populated residential street and the last place where late night should ever have been granted never mind being extended.

Yours sincerely  
E McKeon  
Neville St  
Durham  
DH1 4EY

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## **Appendix 5: Responses from Responsible Authorities**

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**From:** Daniel Darnton <  
**Sent:** 03 December 2018 10:33  
**To:** Karen Baker  
**Subject:** FW: Licensing - Variation of premises licence Bar 33, First Floor 29 – 33 Neville Street Durham DH1 4EY  
**Attachments:** Bar 33 Full premises licence variation 28.11.2018.pdf

Good Morning,

Durham Constabulary have no objections to the below application.

Thanks  
Dan

Daniel Darnton  
*Harm Reduction Unit*  
Meadowfield Office  
Darlington Office tel



**Durham Constabulary**  
Altogether Better Policing

---

**From:** Mark Quinn  
**Sent:** 03 December 2018 11:24  
**To:** Karen Baker  
**Cc:** AHS Licensing  
**Subject:** Received - Variation of premises licence Bar 33

Good Morning

I have received an application to vary a licence for the establishment: Bar 33, First Floor 29 – 33 Neville Street Durham DH1 4EY

I have no comments or objections to make on behalf of Durham Local Safeguarding Children Board.

My Ref: SB/2018/173

Thanks

Mark Quinn  
Quality and Performance Coordinator  
Durham Local Safeguarding Children Board

Tel. (

County Hall  
Durham  
DH1 5UJ

---

**From:** Ted Murphy  
**Sent:** 30 November 2018 14:45  
**To:** Karen Baker  
**Subject:** RE: Licensing - Variation of premises licence Bar 33, First Floor 29 – 33 Neville Street Durham DH1 4EY

Hi Karen,

I have no objection to the variation

Regards

Ted Murphy  
Senior Environmental Health Officer  
Regeneration and Local Services

T: 1

E: 1

Web: [www.durham.gov.uk](http://www.durham.gov.uk)  
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**From:** Susan Hyde  
**Sent:** 29 November 2018 15:45  
**To:** Karen Baker  
**Subject:** CON28/18/02892 29 - 33 Neville Street, Durham Application to vary a premises licence.

Hello Karen,

Re CON28/18/02892 29 - 33 Neville Street, Durham Application to vary a premises licence.

Planning permission was granted for the conversion of the basement for an A4 drinking establishment under planning permission 4/13/00579/FPA and DM/15/01026/VOC.

A planning condition on the consent restricted opening hours to the following:

In accordance with the submitted planning application forms the use of the premises as a drinking establishment shall be limited to the hours between 11.00am - 2.00am Monday - Saturday and 12.00noon - 11.00pm on Sunday and Bank Holidays and at no other time.

Reason: In the interests of residential amenity in accordance with Policies S10 and H13 of the City of Durham Local Plan 2004.

As such although officers do not object to the licence a variation on planning condition is required to extend the opening hours in line with the proposed licence. I would be pleased if you could inform the applicant that a planning application is required to amend the opening hours.

Kind Regards,

Susan

Susan Hyde  
Planning Officer  
Central and East Area Office  
Durham County Council

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## **Appendix 6: Statement of Licensing Policy**

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## **DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY**

### **7.0 The Prevention of Crime and Disorder**

7.1 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.

7.2 As a matter of policy, the Licensing Authority will require every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter.

7.3 The Licensing Authority recommends that all 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 14 television in certain premises should be considered by applicants, licensees and event organisers when addressing this issue.

7.4 The Licensing Authority encourages Personal Licence holders to 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. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

7.5 The Licensing Authority recognises and promotes effective and responsible management of all licensed and authorised premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are considered 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.

7.6 The application for premises licence 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.

7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or

issues arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. 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.

7.8 The Licensing Authority will only impose a maximum number of people that can attend 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.

7.9 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.

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

7.11 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 do to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

7.12 Toughened/Safety Glass Policy: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

7.13 Drugs/Knives/Weapons: The Licensing Authority will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands within the

premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

## **DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY**

### **9.0 Prevention of Public Nuisance**

9.1 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.

9.2 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, location and characteristics of the premises and events.

9.3 If an external structure or area is to be used by customers, whether for consumption of alcohol or for 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.

9.4 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 often be required. Enquiries for such consents should be made to the Council's Highway's Section of the Regeneration and Economic Development Department. In predominantly commercial areas such as shopping centres the Licensing Authority, the use of tables and chairs outside may be allowed however, the Council will normally expect them to be removed before the premises close, and any resulting litter/ debris cleared away.

9.5 Applicants should give consideration to reducing potential noise nuisance by, for example (this list is not exhaustive):

- 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, double doors / lobbies to entrances, windows used for ventilation).
- 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.

9.6 The extent to which the above matters will need to be addressed will be dependent 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.

9.7 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.

9.8 Takeaways and fast-food outlets: The Licensing Authority expects takeaways and late night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also provide notices displayed advising customers of the location of bins and patrons should use the bins any provided.

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## **Appendix 7: Section 182 Guidance**

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## **Crime and disorder**

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as

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

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

## **Public nuisance**

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti- social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

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