



Statutory Licensing Sub-Committee

Date Tuesday 14 May 2019
Time 10.00 am
Venue Committee Room 2 - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meetings held on 6 February 2019 and 19 March 2019 (Pages 3 - 18)
5. Any resolution relating to the exclusion of the public during the discussion of exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

6. Consideration of the Ongoing Suitability to Continue to Hold a Personal Licence (Pages 19 - 44)

Part A

7. Application for the Grant of a Premises Licence - 88 Front Street, Chester-le-Street (Pages 45 - 114)
8. Application for the Review of a Premises Licence - Khan's Foodstore, 25-27 West Road, Annfield Plain, Stanley (Pages 115 - 182)
9. 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
3 May 2019

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

Councillors D Brown, P Crathorne, C Hampson and D Hicks

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DURHAM COUNTY COUNCIL

At a Special Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - County Hall, Durham on **Wednesday 6 February 2019 at 1.30 pm**

Present:

Members of the Committee:

Councillors G Darkes, C Hampson and J Maitland

Also Present:

S Buston (Council's Solicitor)

Y Raine (Senior Licensing Officer)

S Mohammed (Applicant)

T Robson (TJR Licensing – Agent for Applicant)

Councillor Dixon (Sacriston Parish Council)

Councillor Brown (Durham City Parish Council)

Councillor Cornwell (Durham City Parish Council)

Councillor Ashby (Durham City Parish Council)

Councillor J Maitland (in the Chair)

1 Apologies for Absence

An apology for absence was received from Councillor C Carr.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Sacriston Stores, 8A Front Street, Sacriston, Durham

The Committee considered the report of the Senior Licensing Officer regarding an application for the grant of a Premises Licence in respect of Sacriston Stores, 8A Front Street, Sacriston (for copy of report, see file of minutes).

A copy of the location plan and application form had been circulated.

The Senior Licensing Officer advised Members that the Applicant's agent had contacted licensing with an amendment to the application to remove the delivery service making the application solely for the sale of alcohol for consumption off the premises from 08:00 hrs until 23:00 hrs Monday to Sunday.

The Applicant's agent had also provided additional information, which had been circulated to all parties prior to the meeting.

Four representations had been received during the consultation period, one from the Responsible Authority Durham Constabulary and three from 'Other Persons' namely Councillor Wilson, Sacriston Parish Council and City of Durham Parish Council.

Following the removal of the 24-hour delivery service, Durham Constabulary had formally given notice to withdraw their objection. Durham Constabulary had previously mediated with the applicant additional conditions, which were agreed and added to the application by the applicant, detail of which had been circulated with the papers.

Responses were received from Durham Local Safeguarding Children Board, Environmental Health, Public Health, Planning and the Fire Authority all confirming that they had no comments to make in relation to the application.

There were no question of the Senior Licensing Officer.

The Council's Solicitor advised Members that Councillor Wilson 'Other Persons' who had made representation had confirmed that he would not be in attendance so his written representations should be taken into consideration. He then asked 'Other Persons' who were in attendance to confirm if their objections still remained with the application in its current form.

Councillor Brown, representing the City of Durham Parish Council confirmed that after speaking to the Applicants Agent who confirmed that all deliveries had been removed from the application the Parish withdrew their objection to the application.

Councillor Dixon, Chairman of Sacriston Parish Council indicated that the parish still opposed the application. He then stated that Sacriston has had major problems associated with public nuisance, youth crime and drink/drugs and even a murder that have all been documented with themselves and other agencies.

They had 63 youth related anti-social incidents and 33 alcohol related incidents with August being a peak month. In November, a multi-agency task force had been put into place for 6 months that is still in force. He was aware that people were being bussed into the village, as it was so easy to obtain alcohol. This was having a negative effect of the residents of Sacriston who wanted a quiet place to live. The parish council strongly oppose the application and there were currently four establishments in the village where alcohol could be obtained.

The Council's Solicitor asked who was involved with the task force.

Councillor Dixon responded that the task force consisted of the parish council, police, schools etc. as they were tackling the anti-social behaviour from both sides, they met once a month and had their first meeting in November last year. Their last meeting was held in January and they are looking at the problems and they are trying to get young people involved in projects in the village to take them away from alcohol related offences. They are also looking at the areas where the alcohol is consumed.

The Council's Solicitor referred to the proposal to close 'Bargain Booze' if this application was successful and asked Sacriston Parish Council if they still objected to the application.

Councillor Dixon confirmed that the parish still opposed the application.

Councillor Darkes asked if Sacriston Parish Council were part of PACT and PubWatch.

Councillor Dixon responded that they were part of PACT but not PubWatch.

Councillor Darkes asked if they had a problem with retailers. Councillor Dixon confirmed that they were currently working with the police looking at one retailer.

Councillor Darkes urged Sacriston Parish Council to be part of PubWatch.

Mr Robson, the Applicant's Agent stated that he had come into the application late. He clarified that the 24 hour delivery service was withdrawn from the application and that the shop was small with daily off sales with no deliveries.

Mr Robson stated that he was conversant with the area from his time as a police officer. He then referred to Thwaites Case and that there was no real evidence presented and no notice or privy of real evidence to give feedback.

There were four other premises in the area but if the application was granted today it was the applicant's intention to close the 'Bargain Booze' premises next door, which was a larger licensed premises which he intended to convert into a gym, which would be open until 11.00 pm. They had circulated the certificate to confirm planning permission had been granted, they had also provided a signed declaration from Mr Mohammed to confirm his intention to surrender the licence for 'Bargain Booze', if his application today was successful, so there would be no increase in the number of licensed premises.

He then referred to people being able to get alcohol delivered from supermarkets and his client would take part in any shop watch scheme.

He referred to the concerns of alcohol sales to under 18's and commented that he was proud in developing a strong good viable training system which would be delivered to staff on Friday. The training covered acts of terrorism, drunkenness, fire safety policy, immigration awareness policy, social media policy and vulnerability policy. Durham has students who are vulnerable, he would also deal

with weapons and how to deal with substances like the one identified in Chester-le-Street. The training would be in depth and they would be required to pass an exam.

He would deliver level 2 training on underage sales and would go through this in depth with employees and his client. He referred to the numerous fake identifications and he would learn staff what to look for and what questions to ask and how to enter the incidents into the register.

His client intended to have a safe premises, which would prevent any undermining of the licensing objectives and he would deliver refresher training every 6 months. He indicated that Durham Constabulary had withdrawn their objection and advised Members that he would also look at age related products as part of the training and what was classed as drunkenness and he gave the definition for drunkenness.

He felt for the residents of Sacriston, but indicated that the application should be granted as the square footage for alcohol would be reduced and staff would be well trained. They would link into PubWatch and work with the police as well as having a full CCTV equipment in operation with face recognition. Non-alcoholic drinks would also be offered in the premises and he felt that they had gone over and above with a training package to operate in a safe and socially manner.

The Chairman sought clarification if the licence for the gym was in the applicant's name.

Mr Mohammed responded that it was not currently trading, so no licence was in place.

Councillor Brown indicated that deliveries from supermarkets were different to dial a drink as they weren't delivered within hours.

Mr Robson indicated that supermarkets were the same where you get drinks delivered.

At 2.05 pm the Sub-Committee retired to deliberate the application in private. After re-convening at 2.15 pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Senior Licensing Officer, verbal and written representations of the Applicant and 'Other Persons'. 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 application for a premises licence be granted subject to a number of conditions as follows:

Licensable Activity	Days and Hours
Sale by Retail of Alcohol (Consumption off the premises)	Monday to Sunday: 08:00 hrs to 23:00 hrs
Public Opening Hours	Monday to Sunday: 08:00 hrs to 23:00 hrs

General Conditions

- a) Staff will be fully trained on the four licensing objectives and their responsibilities. All staff will be aware of all of our working policies and procedures and trained on how to implement them. Records of staff training will be available to the authorities. Staff training will be undertaken prior to commencement of work and every 6 months.
- b) Authorised staff, employed by Durham Police, shall have free access to all parts of the licensed premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.

The Prevention of Crime and Disorder

- c) CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality. Cameras shall encompass the inside and outside of all entrances and exits to the premises, fire exits and all areas where the sale/supply of alcohol occurs.
- d) Equipment must be maintained in good working order, be correctly time and date stamped and kept for a period of 28 days.
- e) The Premise Licence Holder must ensure at all times that 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.
- f) 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.
- g) No serving of alcohol to any person who appears to be drunk.
- h) Full initial staff training to be carried out by DPS to ensure no alcohol is sold to anyone under age and refresher training to be carried out every six months.
- i) 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.
- j) 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.

Public Safety

- k) Fire exits and fire equipment will be clearly marked.
- l) All staff will be aware of their requirements regarding health and safety.
- m) An incident log will be in operation and maintained.

The Prevention of Public Nuisance

- n) Customers will be requested to move away from the premises once purchases have been made; anyone remaining in the area outside of the premises will be moved on.
- o) The area outside of the premises will be kept free from litter with a litter bin being provided.
- p) Groups of people will be discouraged from congregating outside the premises.

The Protection of Children from Harm

- q) Challenge 25 will be in operation at all times; appropriate signage will be displayed to this effect.
- r) A refusal register will be kept and endorsed after every sale refused; this will include (proxy sales); this will be maintained and available to authorities when requested.
- s) All customers must be over the age of 18 to purchase alcohol.
- t) "Challenge 25" policy is in place in accordance with the Age Verification Policy, whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age.
- u) A Challenge 25 policy will be operated at the premises. Acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card i.e. ID4U.
- v) An incident book 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).

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - County Hall, Durham on **Tuesday 19 March 2019 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors P Atkinson, J Blakey and M Wilson

Also Present:

Councillor J Blakey

C Hazell (Council's Solicitor)

K Robson (Senior Licensing Officer)

Pickled Parson

J Taylor (Applicant's Agent)

M Jolly (Licensee)

K Anderson (Employee)

Cllr G Willis (Sedgefield Town Council)

M Carr (Other Person)

MRH Stonebridge Service Station

R Botkai (Applicant's Agent)

P Deevy (Area Manager)

Councillor D Clegg (Brandon & Byshottles Parish Council)

1 Apologies for Absence

Apologies for absence were received from Councillor J Maitland.

2 Substitute Members

There were no substitute members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meetings held on 13 November 2018, 22 January 2019 and 5 February 2019 were agreed as a correct record and signed by the Chairman.

5 Application for the Variation of a Premises Licence - The Pickled Parson, 1-2 The Square, Sedgefield

Members: Councillor C Carr (Chairman), P Atkinson and M Wilson

Councillor Carr confirmed that he was no relation to Mr Carr who had made representations.

The Committee considered the report of the Corporate Director of Regeneration and Local Services regarding an application for the variation of a premises licence for The Pickled Parson, 1-2 The Square, Sedgefield (for copy of report, see file of minutes).

A copy of the application and supporting documents had been circulated to Members together with copies of the representations received and responses from responsible authorities.

The Senior Licensing Officer presented the report and advised Members that the Statutory Licensing Sub-Committee had determined a variation application of the 7 September 2018 where Members stipulated conditions to be attached to the licence one of those conditions was in relation to the removal of the benches outside the premises. The applicant submitted a minor variation application to remove this condition on 13 November 2018 which was refused by the Licensing Department following comments in opposition to the proposal. A full variation application was submitted on 24 January 2019 to remove the condition in relation to the benches outside the premises.

Durham Constabulary, County Durham & Darlington Fire Rescue Service, Durham County Council's Public Health Department, Durham County Council's Environmental Health Department and Durham County Council's Planning Department responded to the consultation with no comments.

Three letters of representation had been received, two in opposition, namely Sedgefield Town Council and Mr Carr and one from Councillor Makepeace who stated he had no objection to the application.

Mr Carr, an other person was invited to address the Sub-Committee. He referred to his letter of objection which he wished to expand on. He indicated that The Pickled Parson was in the centre of the village green in an elevated position with residential properties surrounding as shown on the circulated plans. Due to the location of the premises noise echoed, late in the evening. There were currently six benches located outside the premises and there was room for additional benches which were not contained or fenced off making it impossible to control when the premises were closed. Members of the public could congregate on the benches making noise which impacted on people sleeping in the vicinity. He then referred to the previous

hearing where the applicant agreed to remove the benches at closing time. Other premises that had benches located outside that caused a nuisance once removed the problems were solved. Since the premises licence was approved there had not been the weather to sit outside but as the weather was improving people would sit outside the premises.

Councillor Wills speaking on behalf of Sedgefield Town Council stated that Pickled Parson was in a prominent position on the village green and referred to the location plan where it was clear that the square stands on its own giving it a position where noise travels. The Pickled Parson was also located within a small short walk from other drinking establishments and there were 12 points of sale of alcohol in the area. Six and a half months ago the Sub-Committee agreed taking into consideration the licensing objectives and the concern of local residents to place a condition on the licence to remove the benches into safe storage after opening hours which was a reasonable condition to prevent public nuisance. She then referred to the Town Council's written representation and reference to Durham County Council's Statement of Licensing Policy, in particular section 9.3 that refers to external structures and the applicant was expected to offer measures and the Council would normally expect them to be removed before the premises close and the Town Council had been subject to public nuisance over numerous years. The temptation for people to sit at benches unsupervised was most concerning as there was no supervision when the premises were closed. The Town Council were unsure of the management situation as there was no flat, so they were not assured that someone would be available to deal with any issues. The Licensing Sub-Committee agreed that this was a reasonable condition and was the suggestion of the Applicant, the opening hours were not affected by this condition, they had reasonable opening hours and only off sales ceased at 10.00 pm. Other businesses had café licences to their frontage on the highway, but this application was on a village green and this condition was a reasonable compromise to minimise the impact on local residents and for the prevention of crime and disorder.

She had looked at the Daniel Thwaites case and the decision to impose restrictions which was based on speculation rather than evidence which was not the case with this condition. The benches being large and cumbersome was not a matter for this sub-committee as small manageable benches could be purchased. As the condition had only being imposed for a short time over the winter months they did not know if the benches would create anti-social behaviour, but they thought it would over the summer months. Residents were concerned of the effects of noise internally and externally from off sales which would encourage drinking outside. The suggestion that the condition was imposed due to the confusion with another premises was highly unlikely, and they would ask that the application to remove the condition be refused.

Mr Taylor, the Applicant's agent indicated that it was a simple decision to be made. A considerable amount of money had been invested into the property and the type of clientele would not participate in anti-social behaviour. They offered food and had nine letting rooms which was important revenue for the business which had high occupancy rates. The manager lived above the premises and the last thing the business would want was people outside of the premises which would have a detrimental impact on residents of the public house and the manager.

He then indicated that the ground was uneven, and they were unable to purchase fold away furniture as the ground was not sturdy enough for them to be in situ. There had been no reports of anti-social behaviour and they had no storage facilities for the benches. The outside seating was important for the business to flourish and at no point had there been any issues at the benches, they had agreed to reduce the times for off sales and signage had been erected to ask patrons to respect neighbours. He stated that no anti-social behaviour had taken place, he was mindful of the licensing objectives, but the benches had no adverse effects.

Mr Jolly, the Licensee referred to the reference made to the adjoining properties and advised that they had put in sound proofing in the residents housing. He then referred to the Impeccable Pig which they also owned and had recently undergone a two million refurbishment which was within 100 metres of the Pickled Parson. There were eight venues in the area that all did what they did which was serve food and anti-social behaviour had nothing to do with their patrons.

The gathering of youths happened at the bus stop, he regularly talked to PC Lamb at the pub watch meetings who was on top of the anti-social behaviour. He stayed on site 90% of the time and he slept with a window open which was single glazing so he could hear any conversations, so any issues would be dealt with. The benches had been in place over the entire summer and there had been no complaints of anti-social behaviour. The town was populating, and their venue had a good name and was a go to venue. Hardwick Hall Hotel was currently undergoing a refurbishment and the ethos of the environment was a happy place and the benches were not causing any issues.

The Chairman asked why they had made an offer to remove the benches and why should the sub-committee remove this condition.

Mr Taylor responded that the last meeting was lengthy, and reference had been made to speaking to neighbours who may want a condition to remove the benches, but they did not offer this as a condition. He was surprised to learn that it was a condition and had submitted an application for a minor variation to remove this condition.

The Chairman indicated that this condition tendered to be standard where there were outside benches. He knew the area well and there are occasions where people would use the benches when the venue was closed which would cause problems in the area. He had spoken to the Police who did not know why you were asking for the condition to be removed. He indicated that it was their decision to buy heavy tables and asked why they could not replace the benches with ones that could be taken away.

Mr Taylor responded that the surface was uneven, and the benches had been cut to fit into the space. There was a Health and Safety risk if the benches were not stable, there was no storage to bring the benches inside the property and foldable benches would not be stable and safe.

The Chairman asked why it was essential to have tables outside.

Mr Taylor indicated that the outside area was essential to any licencing particularly if the weather was good. No outside area would have a detrimental impact on the business and they did not want to upset any patrons in their letting rooms as it was a good source of revenue and more and more premises were trying to utilise the outside space.

Councillor Atkinson appreciated what they were saying that the benches were heavy and that they had spent a lot of money on the premises. He asked why they could not purchase lighter outside furniture as they could do some work to the front of the premises to make the ground stable.

Councillor Blakey indicated that she knew the area well and the Police were fully on board to ensure that anti-social behaviour would not happen again this summer and asked if they had CCTV in the outside area.

Mr Jolly indicated that they currently had CCTV at the doorway where you could see out the front of the premises, but they could install CCTV where the benches were located.

Councillor Blakey indicated that she sat on the panel when the application was considered, and the condition was imposed as a compromise for the benches. She asked what action they would take if there was ant-social behaviour at the benches.

Mr Jolly responded that he would initially deal with the incident himself and call in services if required.

Councillor Blakey asked if they would consider removing the benches at any time due to anti-social behaviour.

Mr Jolly responded they would never let it get to that point.

Mr Taylor indicated that their business procedures were regularly reviewed and were about managing scenarios to prevent issues arising. The question was difficult to answer as no incidents had occurred, but Mr Jolly worked closely with the police.

The Chairman asked if they had considered the condition being removed so that no benches were allowed.

Mr Jolly responded that they had considered every aspect.

Clarification was sought on the number of benches and the time of usage. Members were advised that there were six benches that were in use until the premises closed at 11.00 pm.

Councillor Wills raised concerns that there was no supervision when the premises closed and if the benches stayed in situ then anyone could use them, even people from other venues. The manager does not live on site but stays 90% of the time so how can supervision be constant. There was no evidence to show that the ground

of the outside area was uneven, and the village green was the responsibility of the Town Council and was maintained.

The Chairman indicated that the benches could be used by anyone which was a concern and was why he had asked if they had considered not having any benches. The condition to remove the benches was offered by the Applicant.

Mr Taylor referred to the previous hearing where the words used were that they may wish to consider taking benches in and consider talking to neighbours which was a misunderstanding possibly on his behalf.

The Chairman indicated that he had spoken to the Solicitor who was present at the last meeting who had indicated that the minutes were accurate, and the notice of decision was clear. The Chairman at the last hearing also checked the notice of decision before signing to ensure accuracy.

Mr Carr indicated that a lot of money had been spent on the building, but other venues also have a lot of money spent on them but don't have benches outside. He was not personally objecting to the benches, but they should be removed on an evening and no other benches were outside of premises.

The Chairman invited all parties to sum up.

Mr Jolly indicated that he only stayed on site 90% of the time but they did always have a night manager on site.

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

After re-convening at 10.55 am the Chairman delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Senior Licensing Officer, the written and verbal representation of Other Persons and written representations from responsible authorities. 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 application to vary the premises licence be refused.

6 Application for the Variation of a Premises Licence - MRH Stonebridge, Stonebridge Service Station, Durham

Members: Councillor C Carr (Chairman), P Atkinson and M Wilson

The Committee considered the report of the Corporate Director of Regeneration and Local Services regarding an application for the variation in respect of MRH Stonebridge, Stonebridge Service Station (for copy of report, see file of minutes).

A copy of the application and location plan had been circulated together with copies of the representation received and responses from responsible authorities.

The Senior Licensing Officer presented the report and advised Members that the variation was to include the sale of alcohol for consumption off the premises 24-hours daily and to include two conditions and to make alterations to the premises.

Durham County Council's Local Safeguarding Children Board, Durham County Council's Environmental Health Department, County Durham and Darlington Fire and Rescue Service responded to the consultation with no comments.

Durham Constabulary had entered into mediation and the Applicant had agreed the additional conditions, details of which had been circulated.

One representation had been received from Brandon & Byshottles Parish Council in opposition to the application.

Councillor Clegg speaking on behalf of Brandon & Byshottles Parish Council indicated that the parish council had decided to submit an objection due to public safety as the premises were located on a busy road on the A690. The side that the premises was located had not footpath and the only other outlet near the premises was Tesco and Sainsbury's. The location of the premises invited people to cross a busy stretch of the road which was a hazard, there was also a bus lane with vehicles entering and exiting and moving around the forecourt. With regard to the prevention of public nuisance the premises would attract people from surrounding areas when other stores were closed. New houses were located on the A690 and there were properties in both directions, so the continuous movement of people would be disruptive for people in the area. He then referred to the prevention of crime and disorder and that the forecourt would attract people during the day and night in the surrounding area and they would ask that the application be refused.

The Chairman asked if the parish had had sight of the mediation document.

Councillor Clegg confirmed that the parish council had seen the mediation document and their objection remained.

Mr Botaki the Applicant's Agent indicated that the petrol station already had a premises licence to sell late night refreshments and they were looking to vary the licence to allow the sale of alcohol. Malhurst had recently merged with Motor Fuel Group who currently had 502 24-hours a day licensed petrol stations in England and Wales so what the Applicant was asking for was not unusual and the company had lots of experience running these types of premises. He had spoken to Durham Constabulary and mediated some conditions including a night pay window from 23:00 to 06:00 which was how almost all of their stores operated and the preference of the police. The Application had been served on all responsible authorities and no objections had been received from any responsible authorities or residents.

The premises were situated with a field at either side and across the road was a high fence that divided the housing estate. He was currently dealing with 160 application and most are agreed with a few been heard by a panel which tended to be those premises located in the middle of houses. The application had been

advertised in the usual way and none of the residents had objected. The policy allowed shops to match trading hours with opening hours.

He referred to the concerns from the parish council and their safety concerns, but he had never come across any safety issues and his company also represented Rontec who had 300 sites all of which have a 24-hour licences and no traffic related issues had been brought to his attention and Durham Constabulary had not raised any issues.

With regard to public nuisance he did not believe the sale of alcohol would disrupt residents as the premises were already open 24-hours, so they did not anticipate any issues. They had no issues with litter as most customers drove to the site and they don't have many walking customers due to the geography of the site, so they did not expect any issues with litter and they were not aware of any crime and disorder at the site.

He had asked the store if they had any current issues and there were no complaints from residents or any contact with responsible authorities. The premises were in a quiet location and the company were aware of their responsibilities and were happy to provide contact details and any issues they would take the necessary steps to address. The act allowed for the application to be reviewed but they would ask if there were any issues if they could please speak to them first to give them the opportunity to address any issues.

He then referred to the Daniel Thwaites case and there was no evidence in the papers that the store would cause any issues just the fear of what might happen.

Councillor Wilson asked the age of staff who would be working at the store and the expected trade.

Mr Botkai responded that the company did not employ anyone under the age of 18 and he did not have any figures on the expected trade.

Councillor Blakey sought clarification if the CCTV covered the whole site and commented that there was a fear of people leaving Durham on an evening calling into the garage to obtain alcohol which would cause a disturbance.

Mr Botkai responded that there was no evidence to suggest that this would happen, it wasn't currently happening as the premises had a late-night refreshments licence. The premises were not going to be a meeting point or hub and they don't expect a quiet area to suddenly become noisy but if anything did happen they could be contacted. He then advised that the CCTV equipment was of good quality in colour that also covered the forecourt and serving hatch and indicated that Members were more than welcome to come and look at the CCTV equipment.

Councillor Wilson sought clarification on the number of staff on site.

Mr Botkai responded that they had two members of staff during the day and one on an evening.

Members discussed the refusal register and how they also liked to see an incident log.

Councillor Clegg indicated that the Applicant had referred to real evidence and asked if they could give a description if it was safe for pedestrians to access to purchase alcohol.

In response to the question, the Applicant advised that the route was safe, and pedestrians currently used the shop, although there was little foot trade due to the isolated location of the premises.

The Council's Solicitor referred to Section 176 of the Licensing Act 2003 and whether any consideration had been given to excluded premises.

Mr Botkai responded that under the previous licensing act you had to prove the use of the premises to obtain a licence and provide primary use data. He referred to the new act and the rewording of Section 176 and that the decision on primary use followed the grant of the licence and was not part of the application process.

The Chairman indicated that records needed to be kept on the types of sales to show the percentage of alcohol sold which would be checked after 12 months.

Mr Botkai responded that this was not appropriate to impose as a condition as it was only used to trigger the question of primary use. The data could be requested at any time.

The Chairman invited all parties to sum up.

Councillor Clegg reiterated what he had said previously regarding the prevention of public nuisance, crime and disorder and public safety. There was not a safe pedestrian access into the petrol station, there was a public house down the road and a bus lane and two roads to cross to access the petrol station. The Parish was concerned which was based on fact and they could not see any benefit of having alcohol sales and he hoped that this was taken into consideration.

Mr Botkai indicated that there was no evidence of any danger on the site and no responsible authorities had raised any issues. The premises were already trading 24-hours a day and suggested that there was no evidence that anyone would be in danger. He asked that the licence be granted based on Section 18 of the Act as there was no evidence to substantiate concerns. Crime and disorder concerns had been addressed with mediation with the police and he asked that the licence be granted, they were aware of their responsibilities and were happy to exchange contact details.

The Chairman asked if there were designated markings around the forecourt so that customers were safe to walk.

Mr Deevy, the Area Manager responded that they did not have designated markings as there was very little foot trade.

At 11.35 am the Sub-Committee Resolved to retire to deliberate the application in private.

After re-convening at 11.45 am the Chairman delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Senior Licensing Officer, the written and verbal representation of Other Persons and written representations from responsible authorities. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

The Chairman had indicated that the Sub-Committee had agreed to add a condition that a description of the person be included in the incident book. Following discussions with the Applicant it was agreed not to include this condition.

Resolved: That the Application to vary the Premises Licence be granted as follows with the conditions outlined in the application and that had been agreed with Durham Constabulary:

Licensable Activities	Days and Hours
Late Night Refreshment (indoor and outdoors)	Monday to Sunday 23:00 hours until 05:00 hours
Supply of Alcohol (off sales only)	Monday to Sunday 00:00 hours until 24:00 hours
Opening Hours	Monday to Sunday 00:00 hours until 24:00 hours

The following further condition be imposed to promote the crime and disorder objective:

- A CCTV camera shall be positioned so as to cover customers purchasing alcohol at the point of sale in the premises and at the night pay window.

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Statutory Licensing Sub-Committee

14th May 2019

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

Ordinary Decision



**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:

Chester-le-Street North

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for 88 Front Street, Chester-le-Street. DH3 3BB received from Mrs Lindsay Jane Morton.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application is for the grant of a new Premises Licence for a confectionery store to sell alcohol for consumption off the premises from 08:00 hrs until 20:00 hrs Monday to Saturday inclusive and from 12:00 hrs until 17:00 hrs on Sunday.
- 4 The Licensing Authority had originally scheduled a committee hearing for 9th April 2019 in relation to this application, but Durham Constabulary were unable to attend and subsequently requested an adjournment under Regulation 11 of the Licensing Act (Hearings) Regulations 2005. The adjournment was agreed to allow Durham Constabulary to be present at the hearing.
- 5 The Durham Local Safeguarding Children Board mediated with the applicant and an additional condition was agreed.

- 6 Representations opposing the application have been received; one from a Responsible Authority, namely Durham Constabulary, one from Councillor Bainbridge and thirteen from local residents.

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) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 8;
 - (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 9.

Background

- 9 Background information

Applicant	Mrs Lindsay Jane Morton	
Type of Application:	Date received:	Consultation ended:
New premises licence	13th February 2019	13th March 2019

Details of the application

- 10 An application for the grant of a premises licence was received by the Licensing Authority on 13th February 2019. A copy of the application is attached at 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 application requests permission for the following licensable activity:

Licensable Activities	Days & Hours
Supply of Alcohol (consumption off the premises)	Monday to Saturday: 08:00 to 20:00 hrs Sunday: 12:00 to 17:00 hrs

Proposed Opening Times	Monday to Saturday: 08:00 to 20:00 hrs Sunday: 12:00 to 17:00 hrs
------------------------	----------------------------------------------------------------------

- 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 at Appendix 3.
- 14 For Members' information – The Durham Local Safeguarding Children Board mediated with the applicant and the following additional condition was agreed:

Minimise the risk of proxy sales – The applicant will work with the police to minimise the risk of proxy provision / proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).

For confirmation, please see Appendix 4.

The Representations

- 15 The Licensing Authority received one representation from a Responsible Authority, namely Durham Constabulary
- A copy of the representation is attached at Appendix 5.
- 16 The Licensing Authority received a representation from an Other Person, namely Councillor Beaty Bainbridge.
- A copy of this representation is attached at Appendix 6.
- 17 The Licensing Authority also received a bundle of pre-typed documents submitted in one envelope. This contained 16 letters of representation from 'other persons'. The Licensing Authority wrote to all individuals to validate the letters. Please see below.
- 18 The Licensing Authority received responses from the following nine residents validating their representations and confirming it was their intention for their representation to be considered:
- Mr D Briggs (other person)
 - Ms B Banks (other person)
 - Mr K Wilson (other person)
 - Ms C A Barclay (other person)
 - Mr D J Barclay (other person)
 - Mrs L Spark (other person)
 - Mr D King (other person)
 - Mr R Beach (other person)
 - Mrs E Beach (other person)

19 The Licensing Authority deemed all of the above mentioned representations as relevant, relating to the following licensing objectives:

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

Copies of these representations are attached at Appendix 6.

20 At the time the report was written, the following four residents' representations remain unvalidated and Members should therefore attach the appropriate weight to these representations:

- 1 resident of Wear Street (other person)
- D Lowery (other person)
- Mr F Nelsson (other person)
- Mr R Franklin (other person)

Copies of these representations are also attached at Appendix 6 for information.

21 The following three residents confirmed that they wished to withdraw their representations and no longer wished them to be considered:

- Mrs S Standish (other person)
- L Corfield (other person)
- Mrs A Franklin (other person)

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

- Durham County Council Environmental Health Department
- Durham County Council Public Health Department
- Durham County Council Planning Department

Copies of these responses are attached at Appendix 7.

The Parties

23 The Parties to the hearing will be:

- Mrs Lindsay Jane Morton (Applicant)
- Durham Constabulary (Responsible Authority)
- Councillor Beaty Bainbridge (other person)
- Mr D Briggs (other person)
- Ms B Banks (other person)
- Mr K Wilson (other person)
- Ms C A Barclay (other person)
- Mr D J Barclay (other person)
- Mrs L Spark (other person)
- Mr D King (other person)
- Mr R Beach (other person)
- Mrs E Beach (other person)
- 1 resident of Wear Street (other person)
- D Lowery (other person)
- Mr F Nelsson (other person)
- Mr R Franklin (other person)

Options

24 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

25 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

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

See Appendix 1

Conclusion

27 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: Yvonne Raine

Tel: 03000 265256

Appendix 1: Implications

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.

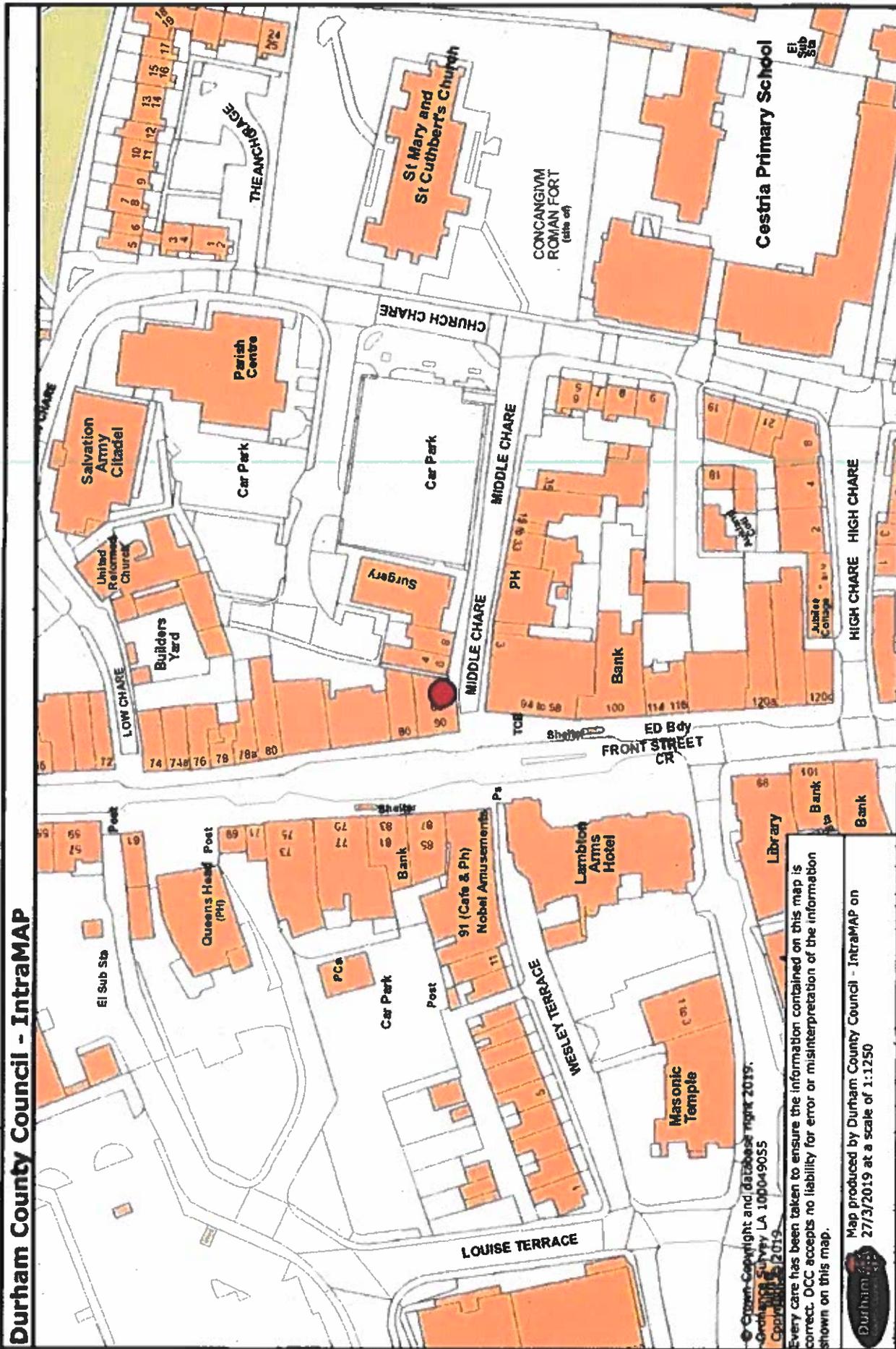
The Responsible Authorities were consulted on the application.

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.

Appendix 2: Location Plan



Appendix 3: Application

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/we LINDSAY JANE MORTON
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
88 FRONT STREET			
Post town	CHESTER - LE - STREET	Postcode	DH3 3BB
Telephone number at premises (if any)		/	
Non-domestic rateable value of premises		£ 11,000	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <p>a) an individual or individuals *</p> <p>b) a person other than an individual *</p> <p style="margin-left: 20px;">i as a limited company/limited liability partnership</p> <p style="margin-left: 20px;">ii as a partnership (other than limited liability)</p> <p style="margin-left: 20px;">iii as an unincorporated association or</p> | <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | <p>please complete section (A)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|

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

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
07	08	2019

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

DD	MM	YYYY

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

SHOP IN FRONT STREET, CHESTER-16 STREET.
 SELLING CONFECTIONERY WOULD LIKE TO SELL ALCOHOL
 AS AN OFF LICENCE. NO BAR ALCOHOL TO BE
 CONSUMED ON PREMISES.

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

--

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)			
Wed						
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Fri						
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	8.00 am	8pm			
Tue	8 am	8pm			
Wed	8 am	8pm			
Thur	8 am	8pm			
Fri	8 am	8pm			
Sat	8 am	8pm			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	12pm	5pm			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	LINDSAY JANE MORTON	
Date of birth		
Address		
Postcode		
Personal licence number (if known)		
Issuing licensing authority (if known)		

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	8 am	8 pm	None
Tue	8 am	8 pm	
Wed	8 am	8 pm	
Thur	8 am	8 pm	
Fri	8 am	8 pm	
Sat	8 am	8 pm	
Sun	12	5 pm	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

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

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

Clear Challenge 25 information to be displayed
Roller shutter or window shutter to be fitted to secure shop
Training for staff regularly to keep them up to date on licensing act.

b) The prevention of crime and disorder

CCTV to be installed to monitor entrances + exits.
Not selling alcohol to drunk people or intoxicated people

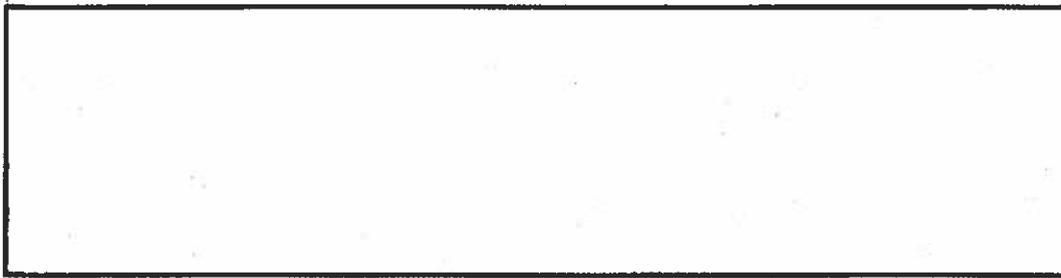
c) Public safety

Training and implementation of underage ID checks
a log book will be kept in case licensing needs to view it.

d) The prevention of public nuisance

The times that we operate would not affect the public as we are only open 9-5.

e) The protection of children from harm



Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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.

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [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)
Signature	
Date	28.1.19 LMS
Capacity	OWNER.

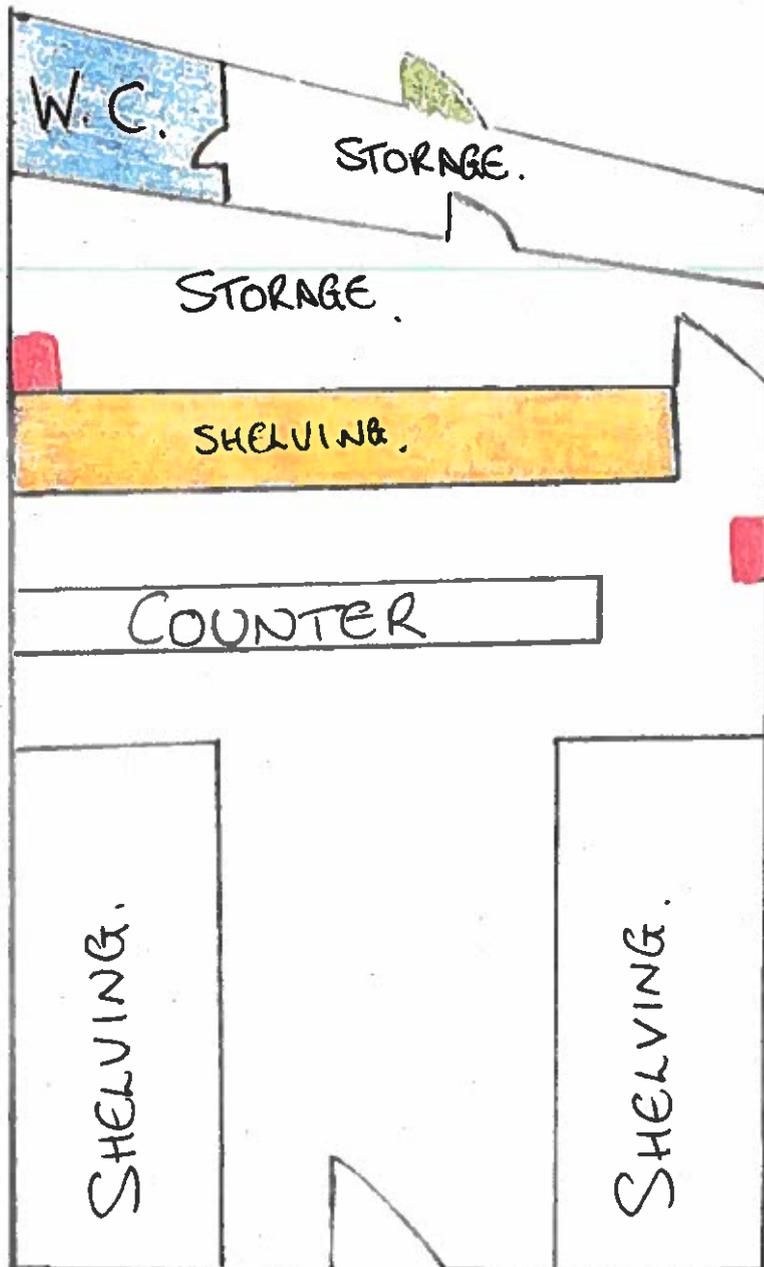
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:



▲ FIRE EXIT

■ FIRE EXTINGUISHER.

■ PROPOSED SHELVING FOR ALCOHOL

1:100
SCALW

88 FRONT ST.

CHESTER - LE - STROBT

Appendix 4: Additional condition agreed by applicant after mediation with LSCB

Karen Baker

From: Lee Peacock
Sent: 19 February 2019 13:46
To: Karen Baker
Subject: Licensing Application 88 Front St Chester le St Confirmation of response My ref 020

Hi Karen

FYI

Regards

From:
Sent: 14 February 2019 20:49
To: Lee Peacock <
Subject: Re: : Licensing Application

Hi Lee

We are more than happy for you to include this, and thank you for your guidance and input.

Regards

Lindsay Morton

On 14 Feb 2019 12:49, Lee Peacock <

> wrote:

Good Morning,

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 88 Front St, Chester le St

I welcome your proposal for age verification, refusal register and the training of staff.

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I consider that the step around training requires more clarity.

The step I consider should be included are identified in the proposed wording below:

- **Minimise the risk of proxy sales** – The applicant will work with the police to minimise the risk of proxy provision / proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).

The purpose of this email is to make the LSCB representations to you and for you to consider these suggestions.

Next Steps – You need to consider the representations I have made.

If you are happy for the recommendations to be included in your application please confirm so by replying to me and the Licensing Section Licensing@durham.gov.uk

These recommendations will then be included in your application, the matter is deemed resolved and your application would progress.

The Durham Local Safeguarding Children Board are concerned about the availability of alcohol to children and encourage licensees to work with us in introducing steps, like those above in an attempt to safeguard children. I consider these steps are proportionate and have proven to be successful when implemented in similar applications.

Please don't hesitate to contact me if you require further information.

My Ref: LP/2019/020

Regards

Lee

Lee Peacock

Strategy & Development Officer

Durham LSCB

Durham County Hall

**Appendix 5: Representation from Durham Constabulary
(Responsible Authority)**

From: Daniel Darnton
Sent: 12 March 2019 15:51
To: Karen Baker <Karen.Baker@durham.gov.uk>
Cc: AHS Licensing <licensing@durham.gov.uk>
Subject: FW: Licensing - NEW premises licence Application 88 Front Street Chester Le Street County Durham DH3 3BB

Good Afternoon,

Durham Constabulary object to the below application for a new premises at 88 Front Street, Chester Le Street.

The Constabulary feel the licensing objective; Prevention of Crime and Disorder cannot be met as

On behalf of Licensing Sergeant Caroline Dickenson

Harm Reduction Unit
Meadowfield Office tel 101 ext 75 2351
Darlington Office tel 101 ext 74 2782



Durham Constabulary
Altogether Better Policing

Appendix 6: Representations from Other Persons

Karen Robson

From: Cllr Beaty Bainbridge
Sent: 08 March 2019 21:54
To: Karen Robson
Subject: premises licence

Hi Karen,

As the Cllr for Chester le Street, East. I object to the sale of alcohol at 88, Front Street , Chester le street, County Durham , H33 3BB. For the protection of Children from harm. This shop at lunch time is used by young people from Park View Academy as it sells a wide variety of snack foods. I have attended residents meeting where concerns are raised on the subject.

Thanking you as always

Beaty

Cllr Bainbrigdge

Yvonne Raine

From: Cllr Beaty Bainbridge
Sent: 31 March 2019 20:03
To: Yvonne Raine
Subject: Re: Notice of Hearing - 88 Front Street, Chester-le-Street

Hello Yvonne,

Re; Application for premises licence. On the 9th April 2019 @ 10-00am.88 Front street Chester le street DH3 3BB Green Lane, Spennymoor, Council offices.

I will Attend the hearing.

No one will assist me.

No other person with me will give evidence .

I would like to draw to your attention due to the lay out of the shop, or planning of shelving , and central display of goods.

At lunch time when the young people from school go in to purchase goods for their lunch break.

Staff vacate the shop to stand outside looking through the window observing the young people.

Thanking you as always
Cllr Beaty Bainbridge

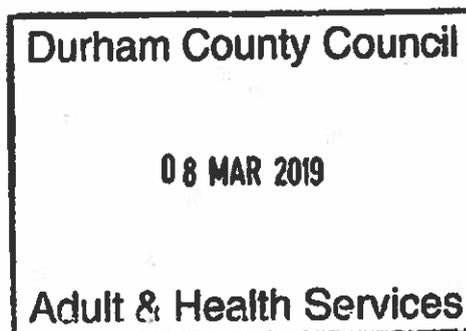
Durham County Council
Licence Manager

Mr D. Briggs
Nesley Terrace
Chester-Le-Street
County Durham
DH33EJ
28th February 2019

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application on the grounds of protection of children from harm. Also on the public nuisance in the street, which this could attract. The street does not need another off licence, there are two Supermarkets and another off licence 5 shops away which the committee put a lot of restrictions when it was before them, same issues young people or schoolchildren. The shop attracts young people because it sells items that they want at a cheap price. The street has hundreds of children in the morning and at lunch time, and in the light night attracts young people on bikes. This would be a magnet for young people. After hours the town gets lots of young people and this can cause public nuisance hanging around outside hoping they can get someone to buy alcohol for them. We see in Ropery Lane outside the one there. I am asking you to think long and hard about this, do we another one when the street is a pedestrian area, and the issues it will bring to our town.

Yours Sincerely.



Durham County Council
Licence Manager

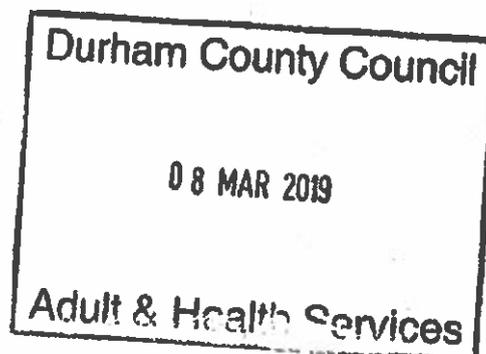
OSBORNE ROAD
CHESTER LE ST
CO DURHAM
DH3 3DS

Validated

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application on the grounds of protection of children from harm. Also on the public nuisance in the street, which this could attract. The street does not need another off licence. We as residents think we have plenty of alcohol premises in the town now which cause residents lots of nuisance and disorder causing public safety. About 5 shops from this one we have another off licence premises. This new shop has lots of young people inside and hanging around outside during the school lunch break and after school. It attracts the young due to what it sells. My concern is they could easily get anyone to buy alcohol for them without the shop knowing. We do not need this and I hope you reject this application on the grounds of safety for our children.

Yours



Osborne Rd.

Durham County Council
Licence Manager

Chester Le Street
DH3 3DS

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application because I believe it will not protect children from harm. We see from another shop how the young gather outside at night and cause trouble and nuisance; they do try to get an adult to buy it for them. This shop is close to another one selling alcohol which has lots of restrictions on the licence, which were the same issues we are now getting again. The street has lots of problems from alcohol due to the fact we have too many premises. This shop will attract the young who could cause disorder and public nuisance. We do not need another shop selling alcohol. On this street it is a pedestrian area so no vehicles could call. As residents of this town we want this refused to prevent further disorder and nuisance and give us some peace.

Yours

Durham County Council
08 MAR 2019
Adult & Health Services

K Wilson

Avondale Terrace Validated
Chester-le-Street
Co. Durham
DH3 3ED

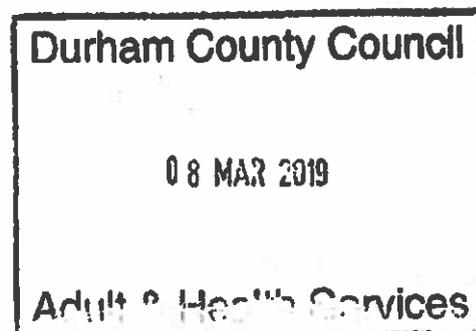
Durham County Council
Licence Manager

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application because I believe it will not protect children from harm. We see from another shop how the young gather outside at night and cause trouble and nuisance; they do try to get an adult to buy it for them. This shop is close to another one selling alcohol which has lots of restrictions on the licence, which were the same issues we are now getting again. The street has lots of problems from alcohol due to the fact we have too many premises. This shop will attract the young who could cause disorder and public nuisance. We do not need another shop selling alcohol. On this street it is a pedestrian area so no vehicles could call. As residents of this town we want this refused to prevent further disorder and nuisance and give us some peace.

Yours

C . A BARCLAY



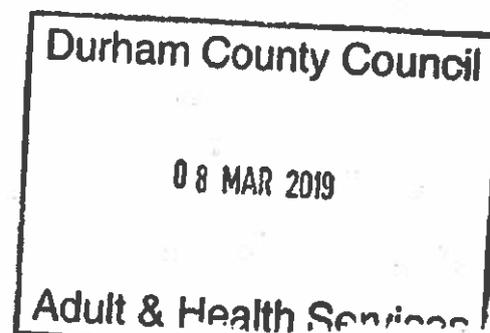
Avondale Terrace
Chester Le Street
Co. Durham
DH3 3EO

Durham County Council
Licence Manager

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this from alcohol licence application because I believe it will harm children and cause a lot of disorder and nuisance in the town. The shop is a magnet now for young people as they sell items that attract them now in large numbers. At lunch time it is full and they are gathering outside. The town does not need a new shop to sell alcohol we have plenty; there is one just up the street about 5 or 6 shops up. I hope you will take on board what we say as we see the state of the tow now due to alcohol. I am concerned that young people could get around the 25 law buy putting pressure on an adult to buy it for them, if there is a group of them outside it will be easy to intimidated someone, as the street does get them in gangs. I ask you to reject this application to stop anymore disorder from alcohol.

D.J. BARCLAY



Durham County Council
Licence Manager

1 STAR
Osborne Rd
Chester le St
Co Durham
DH3 3DS.

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this from alcohol licence application because I believe it will harm children and cause a lot of disorder and nuisance in the town. The shop is a magnet now for young people as they sell items that attract them now in large numbers. At lunch time it is full and they are gathering outside. The town does not need a new shop to sell alcohol we have plenty; there is one just up the street about 5 or 6 shops up. I hope you will take on board what we say as we see the state of the tow now due to alcohol. I am concerned that young people could get around the 25 law buy putting pressure on an adult to buy it for them, if there is a group of them outside it will be easy to intimidated someone, as the street does get them in gangs. I ask you to reject this application to stop anymore disorder from alcohol.

Durham County Council
08 MAR 2019
Adult & Health Services

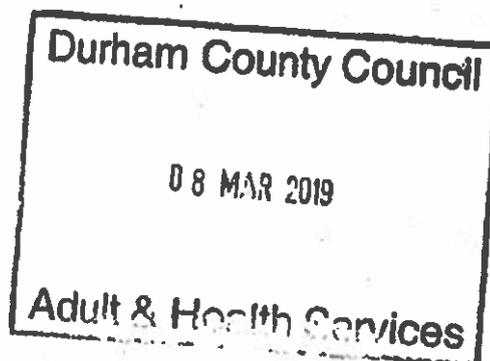
Durham County Council
Licence Manager

① KING
OSBORNE ROAD
CHESTER - LE-STREET
CO DURHAM
DH3 3DS

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application because I believe we do not need another shop selling alcohol in the town. Alcohol is making the town unsafe for older residents to go out. We have issues of public nuisance and disorder now from our alcohol premises. Young school children frequent this shop all day and more at lunch time and after school. It would not be hard for a group of them to get someone older to buy the alcohol. We need to protect our children from harm and by allowing this to go ahead you are not protecting our children. We know about the 25 law but that is easy got round and if shop is busy and full the mistakes can happen. Give residents a break and stop anymore alcohol shops.

Yours



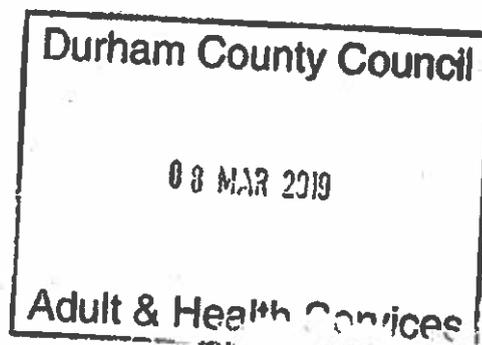
Durham County Council
Licence Manager

MR R BEACH,
WEAR STREET
CHESTER-LE-STREET

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application because I believe it will not protect children from harm. We see from another shop how the young gather outside at night and cause trouble and nuisance; they do try to get an adult to buy it for them. This shop is close to another one selling alcohol which has lots of restrictions on the licence, which were the same issues we are now getting again. The street has lots of problems from alcohol due to the fact we have too many premises. This shop will attract the young who could cause disorder and public nuisance. We do not need another shop selling alcohol. On this street it is a pedestrian area so no vehicles could call. As residents of this town we want this refused to prevent further disorder and nuisance and give us some peace.

Yours

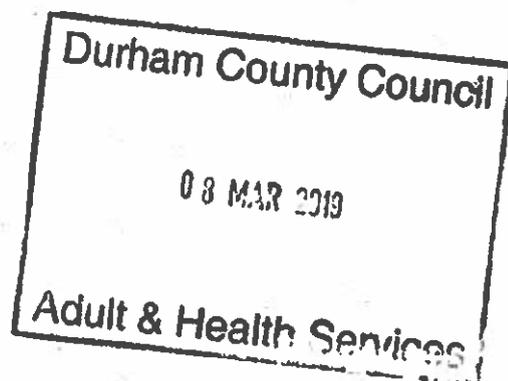


Durham County Council
Licence Manager

MRS E BEACH Validated
Wear St,
Chester-Le-St.
co Durham
DH338

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH3388

I wish to put in my objection to this from alcohol licence application because I believe it will harm children and cause a lot of disorder and nuisance in the town. The shop is a magnet now for young people as they sell items that attract them now in large numbers. At lunch time it is full and they are gathering outside. The town does not need a new shop to sell alcohol we have plenty; there is one just up the street about 5 or 6 shops up. I hope you will take on board what we say as we see the state of the town now due to alcohol. I am concerned that young people could get around the 25 law buy putting pressure on an adult to buy it for them, if there is a group of them outside it will be easy to intimidate someone, as the street does get them in gangs. I ask you to reject this application to stop anymore disorder from alcohol.

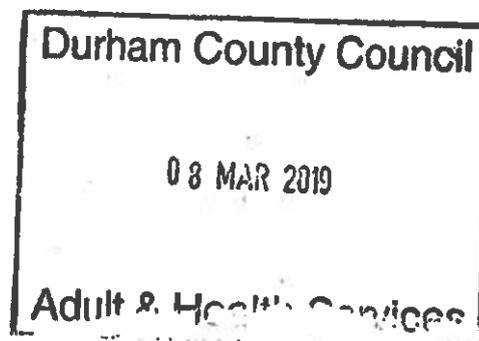


Durham County Council
Licence Manager

WEAR STREET
CH - LE - ST
DH3 3PG

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this from alcohol licence application because I believe it will harm children and cause a lot of disorder and nuisance in the town. The shop is a magnet now for young people as they sell items that attract them now in large numbers. At lunch time it is full and they are gathering outside. The town does not need a new shop to sell alcohol we have plenty; there is one just up the street about 5 or 6 shops up. I hope you will take on board what we say as we see the state of the tow now due to alcohol. I am concerned that young people could get around the 25 law buy putting pressure on an adult to buy it for them, if there is a group of them outside it will be easy to intimidated someone, as the street does get them in gangs. I ask you to reject this application to stop anymore disorder from alcohol.



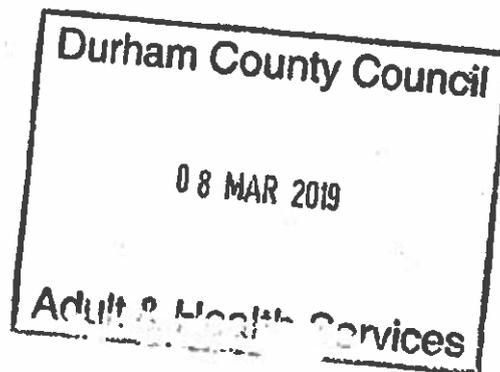
Durham County Council
Licence Manager

D. Lawton
Osborne Rd.
DH3 3DS.

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application on the grounds of protection of children from harm. Also on the public nuisance in the street, which this could attract. The street does not need another off licence We as residents think we have plenty of alcohol premises in the town now which cause residents lots of nuisance and disorder causing public safety. About 5 shops from this one we have another off licence premises. This new shop has lots of young people inside and hanging around outside during the school lunch break and after school. It attracts the young due to what it sells. My concern is they could easily get anyone to buy alcohol for them without the shop knowing. We do not need this and I hope you reject this application on the grounds of safety for our children.

Yours



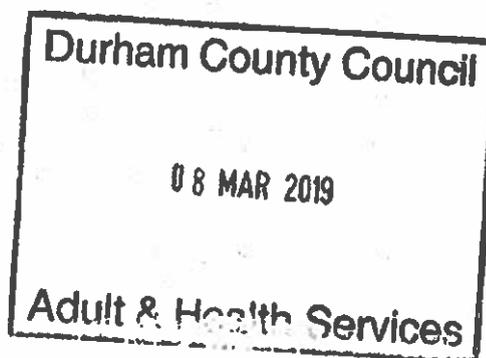
Durham County Council
Licence Manager

F. Neilson
Wesley Tewaue
Chester-le-Sweers

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this application because I believe it will not protect children from harm. We see from another shop how the young gather outside at night and cause trouble and nuisance; they do try to get an adult to buy it for them. This shop is close to another one selling alcohol which has lots of restrictions on the licence, which were the same issues we are now getting again. The street has lots of problems from alcohol due to the fact we have too many premises. This shop will attract the young who could cause disorder and public nuisance. We do not need another shop selling alcohol. On this street it is a pedestrian area so no vehicles could call. As residents of this town we want this refused to prevent further disorder and nuisance and give us some peace.

Yours

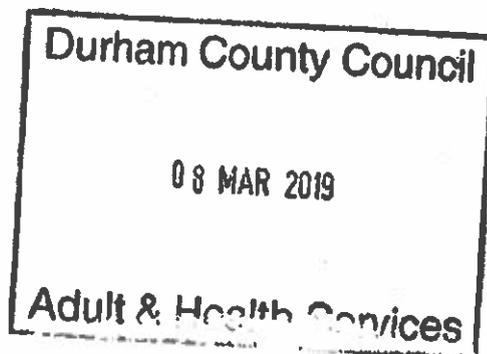


Durham County Council
Licence Manager

MR R. FRANKLIN
WESLEY TCG
CHESTER-LE-ST
CO DURHAM
DH3 3EJ

Application for Alcohol Licence 88 Front Street Chester-Le-Street DH33BB

I wish to put in my objection to this from alcohol licence application because I believe it will harm children and cause a lot of disorder and nuisance in the town. The shop is a magnet now for young people as they sell items that attract them now in large numbers. At lunch time it is full and they are gathering outside. The town does not need a new shop to sell alcohol we have plenty; there is one just up the street about 5 or 6 shops up. I hope you will take on board what we say as we see the state of the town now due to alcohol. I am concerned that young people could get around the 25 law buy putting pressure on an adult to buy it for them, if there is a group of them outside it will be easy to intimidate someone, as the street does get them in gangs. I ask you to reject this application to stop anymore disorder from alcohol.



Appendix 7: Responses from Responsible Authorities

Karen Baker

From: Ted Murphy
Sent: 18 February 2019 09:20
To: Karen Baker
Subject: Premises Licence Application - Fancy That 88 Front Street Chester le Street

Hi Karen,

I have no objection to the application for a premises licence.

Regards

Ted Murphy
Senior Environmental Health Officer
Environment, Health & Consumer Protection
Regeneration and Local Services
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

Direct:
Switchboard: 03000 260000
E-mail:

Web: www.durham.gov.uk
Follow us on Twitter @durhamcouncil
Like us at facebook.com/durhamcouncil
Follow us on linkedin.com/company/durham-county-council
Follow us on Instagram @durham_county_council

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

Karen Baker

From: Sean Barry
Sent: 06 March 2019 10:06
To: Karen Baker
Cc: AHS Licensing
Subject: RE: Licensing - NEW premises licence Application 88 Front Street Chester Le Street
County Durham DH3 3BB

Good Morning

I have received an application to vary a licence for the establishment: 8 Front Street Chester Le Street County Durham DH3 3BB

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

My Ref: PH/2019/020

Thanks
Sean

Karen Baker

From: Lisa Morina
Sent: 15 February 2019 08:15
To: Karen Baker
Subject: Premises Licence - 88 Front Street, CLS

Karen

Proposed Application for a new premises licence.
At 88 Front Street Chester-le-Street DH3 3BB

I refer to the above premises licence.

I can confirm that the planning department have no objections to this.

I trust this information is of assistance.

Thanks

Lisa

Lisa Morina
Planning Officer
Planning Development (Central East),
Room 4/86-102
County Hall, Durham
DH1 5UL
Tel:

www.durham.gov.uk
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Like us at [facebook.com/durhamcouncil](https://www.facebook.com/durhamcouncil)
Follow us on [linkedin.com/company/durham-county-council](https://www.linkedin.com/company/durham-county-council)
Follow us on Instagram @durham_county_council

Help shape the future of County Durham

Have your say on the County Durham Plan at
www.durham.gov.uk/future
22 June - 3 August 2018



Appendix 8: Statement of Licensing Policy

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.

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.

10.0 Protection of Children from Harm

10.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm and the effects of alcohol on parenting.

10.2 The Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:

- At any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
- Between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises
- The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.

10.3 The Licensing Authority may consider the following when dealing with a licence application where children may have limited access:

- Limitations on the hours when children may be present.
- Limitations on under 18s
- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult to be present.
- Full exclusion of people under 18 from the premises when certain licensable

- activities are taking place (e.g. entertainment of a sexual nature).
- Limitations on the parts of premises to which children might be given access.
- Any other limitations appropriate to the application and according with the four licensing objectives.

10.4 The Licensing Authority will work closely with the Police and the Council's Trading Standards service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17 year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25.

10.5 The Licensing Authority is aware of young persons' vulnerability to alcohol and events which are aimed at children under the age of 18 years on licensed premises will not be supported by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

10.6 The Licensing Authority, Durham Constabulary Alcohol Harm Reduction Unit and the Local Safeguarding Children Board have produced a "good practice guide" for an event catering for under-18's and mixed events of under and over 18's. This guide is highly recommended by the Licensing Authority and should be adhered to by licence holders and event organisers.

10.7 Recorded staff training programmes, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales and proxy sales and are to be encouraged.

10.8 The Licensing Authority commends the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.

10.9 Access to Cinemas: In the case of premises requiring an licence to show films, applicants should include in the operating schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

10.10 The Act provides that it is mandatory for Licensing Authorities to include a condition in all premises licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Licensing Authority itself.

10.11 Should the Licensing Authority need to adopt its own system of film classification the information regarding such classifications will be published on the Local Authority's website.

10.12 Children and Public Entertainment: Many children go to see and / or take part in an entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises.

10.13 Where entertainment requiring a Licence is specifically presented for children, the Licensing Authority will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The Council will require those caring for or supervising children to have undergone an appropriate Criminal Record check with the Disclosure and Barring Service.

10.14 With regard to this Licensing Objective, the Licensing Authority considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified as a result of premises, personal applications and all variations to licences are covered by this protocol.

10.15 Applicants are advised to seek advice from the Local Safeguarding Children Board and incorporate any recommendations in their Operating Schedule before submitting their applications

Appendix B. Framework Licensing Hours - recommended hours for the operation of licensable activities (the sale of alcohol and the provision of late night refreshment) for categories of licensed premises situated within the County of Durham.

Category of Premise	Weekdays (Sunday to Thursday)	Weekends (Friday night into Saturday morning and Saturday night into Sunday morning)	Bank Holidays
For premises licences and club premises certificates authorising the sale or supply of alcohol for consumption on or off the premises	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).
For licences not including the sale or supply of alcohol	07.00 to 23.30	07.00 to 00.30	Good Friday Plus 1 Hour For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).
For licences not including the sale or supply of alcohol (community centres, village halls)	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour For all other bank holidays, an additional hour be added to the terminal hour of

			<p>the day preceding the bank holiday</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>
<p>For licences authorising late night refreshment as the primary licensable activity (takeaways)</p>	01.00	02.00	<p>Good Friday Plus 1 Hour</p> <p>For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday</p>
			<p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>

Appendix 9: Section 182 Guidance

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.

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café

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

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in

the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

- 2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act

Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

Statutory Licensing Sub-Committee

14th May 2019

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



Ordinary Decision

**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:

Annfield Plain

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine an application by the Durham County Council Local Weights and Measures Authority to review the premises licence in respect of Khan's Foodstore, 25-27 West Road, Annfield Plain, Stanley. DH9 7XA.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

3. On 12th March 2019, the Licensing Authority received the application from the Local Weights and Measures Authority asking for a review of the premises licence (ref. no. DWWTSPR0266) for Khan's Foodstore, 25-27 West Road, Annfield Plain, Stanley.
4. The Licensing Authority had originally scheduled a committee hearing for 7th May 2019 in relation to this application, but Mr Khan the premises licence holder was unable to attend as he was out of the country. Mr Khan requested an adjournment of the hearing under Regulation 11 of the Licensing Act (Hearings) Regulations 2005. The adjournment was agreed to allow Mr Khan to be present at the hearing.
5. During the consultation period the Licensing Authority received three representations from Responsible Authorities in support of the review application; one from Durham Constabulary, one from County Durham Public Health Department and one from the Durham Local Safeguarding Children Board.

6. The Environmental Health Department, the Planning Department and the Fire Safety Authority all responded to the consultation with no comments.

Recommendation(s)

7. The Sub-Committee is asked to determine the review 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

Applicant	Durham County Council Local Weights and Measures Authority	
Type of Application: Review of a Premises Licence	Date received: 12th March 2019	Consultation ended: 9th April 2019
Premises Licence Holder	Mr Mohammed Imtiaz Khan	
Designated Premises Supervisor	Mr Mohammed Imtiaz Khan	

10. The premises licence in respect of Khan's Foodstore currently permits the Sale of Alcohol for consumption off the premises as detailed in the table below:

Licensable Activity	Days & Hours
Sale of Alcohol (for consumption off the premises)	Monday to Saturday: 08:00 – 23:00 hrs Sunday: 10:00 – 22:30 hrs.
Opening Hours	Monday to Saturday: 06:30 – 23:00 hrs Sunday: 07:00 – 22:30 hrs.

- 11 A copy of the current premises licence for Khan's Foodstore, 25-27 West Road, Annfield Plain, Stanley is attached at Appendix 3.

Details of the application

- 12 The review application by the Durham County Council Local Weights and Measures Authority was received by the Licensing Authority on 12th March 2019.
- 13 The application is deemed by the Licensing Authority to be relevant and the application was advertised in accordance with the regulations.
- 14 The application for review relates to the following licensing objectives:
- The Prevention of Crime and Disorder
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- 15 A copy of the application and supporting documents from the Local Weights and Measures Authority are attached at Appendix 4.

The Representations

- 16 During the consultation period, the Licensing Authority received three representations from Responsible Authorities in support of the review application, namely:
- Durham Constabulary
 - County Durham Public Health Department
 - Durham Local Safeguarding Children Board.

Copies of the representations are attached at Appendix 5.

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

- Durham County Council Environmental Health Department
- Durham County Council Planning Department
- County Durham and Darlington Fire & Rescue Service

Copies of these responses are attached at Appendix 6.

The Parties

18 The Parties to the hearing will be:

- Durham County Council Local Weights and Measures Authority (Applicants)
- Mr Mohammed Imtiaz Khan (Premises Licence holder & DPS)
- Durham Constabulary (Responsible Authority)
- County Durham Public Health Department (Responsible Authority)
- Durham Local Safeguarding Children Board (Responsible Authority)

Options

19 The options open to the Sub-Committee are:

- (a) To take no further action;
- (b) To modify or add conditions to the licence;
- (c) Exclude a licensable activity from the licence;
- (d) Remove the Designated Premises Supervisor;
- (e) Suspend the licence for a period (not exceeding three months);
- (f) Revoke the licence.

Main implications

Legal Implications

- 20 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

- 21 The review application was subject to a 28 day consultation.

See Appendix 1

Conclusion

- 22 The Sub-Committee is asked to determine the application for the review of the premises licence for Khan's Foodstore, 25-27 West Road, Annfield Plain, Stanley.

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: Yvonne Raine

Tel: 03000 265256

Appendix 1: Implications

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 review 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.

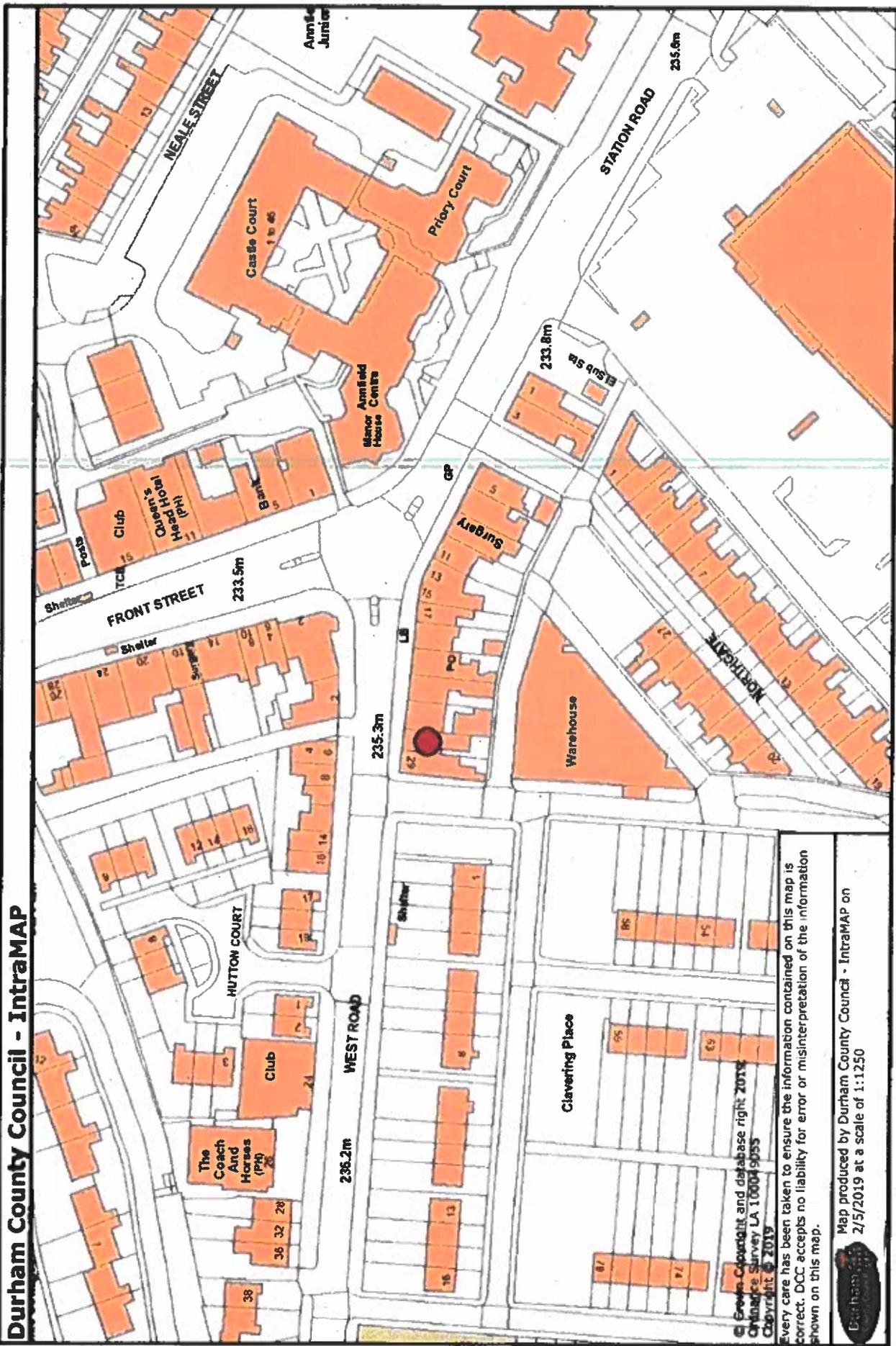
The notice of application was displayed on the premises for a period of 28 days.

Notice of the application was displayed at the Council's Head Office at County Hall, Durham.

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

Appendix 2: Location Plan

Durham County Council - IntraMAP



Appendix 3: Premises Licence



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

DWTSPR0266
17 September 2009
17 September 2009

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
KHAN'S FOODSTORE 25-27 WEST ROAD ANNFIELD PLAIN STANLEY DH9 7XA	DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number	

Where the licence is time limited the dates N/A

Licensable activities authorised by this licence Sale by Retail of Alcohol

The opening hours of the premises (all times in 24hr format)		
Monday	06:30-23:00	Non standard/seasonal timings: N/A
Tuesday	06:30-23:00	
Wednesday	06:30-23:00	
Thursday	06:30-23:00	
Friday	06:30-23:00	
Saturday	06:30-23:00	
Sunday	07:00-22:30	

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

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

Sale by retail of alcohol		
Off Sales Only		
Monday	08:00-23:00	Further details
Tuesday	08:00-23:00	
Wednesday	08:00-23:00	Non standard/seasonal timings:
Thursday	08:00-23:00	
Friday	08:00-23:00	
Saturday	08:00-23:00	
Sunday	10:00-22:30	

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
MR MOHAMMED IMTIAZ KHAN 25-27 WEST ROAD ANNFIELD PLAIN STANLEY DH9 7XA	

Registered number of holder, for example company number, charity number (where applicable)	
Company no:	N/A
Charity no:	N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol MR MOHAMMED IMTIAZ KHAN 25-27 WEST ROAD ANNFIELD PLAIN STANLEY DH9 7XA

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

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 premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol: -

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 a holographic mark.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

The premises will comply with licensing laws in relation to the sale of alcohol.
The premises will only sell alcohol in sealed containers and this will be restricted to over 18s.
A refusal register is maintained and kept up to date and made available upon request by the police.

The Prevention of Crime and Disorder

The staff are constantly on the alert to criminal activity.
The staff will request ID from any persons suspected to be under age.
The premises will display notices stating that ID must be provided.
CCTV is installed and data kept on a 28 day cycle and made available to police on request.

Public Safety

The premises will ensure that all aisles are clean and clear on encumbrance
The premises will adhere to Health and Safety and First Aid equipment.
The premises will be aware of overcrowding and not allow this to take place inside the premises.

The Prevention of Public Nuisance

The premises will prevent groups of people congregating outside.
Staff will refuse the sale of alcohol to any person who is inebriated.
The staff will ask customers not to consume alcohol purchased outside the premises.

The Protection of Children from Harm

The staff will only permit 3 children into the premises at any one time.
The staff will ensure that young children are accompanied by an adult whilst on the premises.
Challenge 25 policy is adopted.

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

None

Annex 4 – Plans attached

Attached

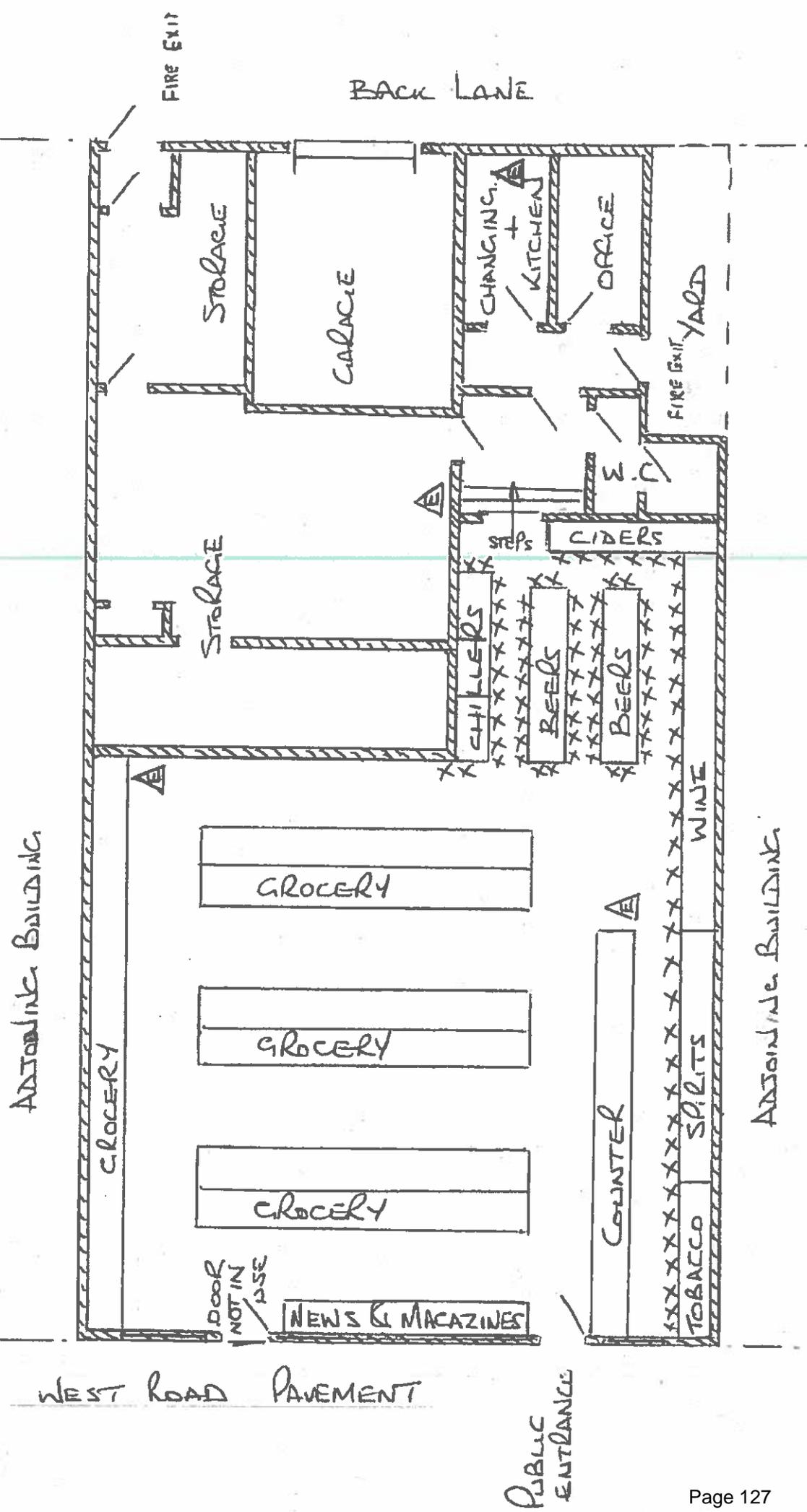
Signature of Authorised Officer
Head of Environment, Health and Consumer Protection

KHAN'S FOODSTORE: 25 - 27 WEST ROAD

ANNFIELD PLAIN

SCALE 1:100

KEY
LICENSABLE ACTIVITY: XXXX
FIRE EXTINGUISHER A



**Appendix 4: Review application and supporting documents from
Durham County Council Local Weights and
Measures Authority**

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Durham County Council - Local Weights and Measures Authority

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description KHAN'S FOODSTORE 25-27 West Road Annfield Plain	
Post town STANLEY	Post code (if known) DH7 9XA

Name of premises licence holder or club holding club premises certificate (if known) Mr Mohammed Imtiaz Khan

Number of premises licence or club premises certificate (if known) [REDACTED] DWTSPR0266

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Durham County Council Environment, Health & Consumer Protection Local Weights and Measures Authority Annand House PO Box 617 Durham DH1 9HZ Contact: Craig Hudson
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

See attached Grounds for Review

**Please provide as much information as possible to support the application
(please read guidance note 2)**

See attached Grounds for Review

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

N/A

- Please tick yes**
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
 - I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date 12th March 2019

.....

Capacity Team Leader (Trading Standards)

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

GROUNDS FOR REVIEW

1. The applicant is seeking a review of the Premises Licence for Khan's Foodstore, 25-27 West Road, Annfield Plain, County Durham, DH7 9XA as it is an appropriate course of action to address concerns relating to the prevention of crime and disorder and protection of children from harm objectives of the Licencing Act, 2003.
2. The holder of the Premises Licence and Designated Premises Supervisor is Mr Mohammed Imtiaz Khan. Mr Khan holds a personal licence issued to him by Durham County Council.
3. Evidence obtained by the Applicant shows that this premise sold alcohol to an underage person contrary to section 146(1) of the Licencing Act, 2003, on two occasions.
4. On 19th March 2018, Durham Trading Standards received intelligence from Durham Constabulary that this premise was possibly selling alcohol to young people under the age of eighteen.
5. On 13th December 2018, Durham Trading Standards, assisted by Durham Constabulary, carried out a test purchase exercise into the sale of alcohol to under age youths using a 16-year-old volunteer (Operation [REDACTED]). The 16-year-old child volunteer was given instructions to enter the premises and attempt to buy alcohol, along with some sundries. The volunteer selected a bottle of wine and approached the counter. A person who was later identified as [REDACTED] sold the child the alcohol. A visual recording was made of the sale. At the time of the sale, there was no one else present in the shop.
6. As a routine follow up, a second test purchase was carried out, again by Durham Trading Standards supported by Durham Constabulary (Operation [REDACTED]). On 21st December 2018 a different 15-year-old volunteer was tasked again to enter the premises and was instructed to attempt to purchase alcohol and some sundries. The volunteer entered the premises and selected a bottle of wine and approached the counter. She was served by the same sales assistant as before. Again, the sale was covertly visually recorded.
7. On 15th January 2018, Senior Trading Standards Officer Graham Blount, accompanied by PCSO Michelle Williamson for Durham Constabulary visited the premises, where they spoke to Mohammed Imtiaz Khan, who confirmed it was [REDACTED] who served on both nights.
8. Mr. Blount discussed the incidents with Mr Khan, he stated that they had a refusals register but at the time it couldn't be found. There was no formalised system of training, and there were no records as to any training.
9. The lack of training to staff on selling alcohol, procedures for checking age and ID; together with the absence of a refusals register would indicate that inadequate processes are in place to protect children from harm.

10. The premise licence does not include many conditions at Annexe 2, those that do appear, state that ID is requested from anyone looking under age, and the children are accompanied whilst on the premises. appear to be adequate to ensure compliance with the law.
 11. Whilst it is for the Licensing Authority to determine the appropriate course of action, the Applicant would ask the Authority to consider more robust licensing conditions to the premises licence as the most appropriate action to promote the licensing objectives.
 12. The following conditions, within the attached appendix, are put forward for consideration:
-

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

LICENSING ACT 2003

Suggested Conditions to be added to the Licence

The Prevention of Crime and Disorder

- CCTV footage must be available and downloaded upon request by a Responsible Authority.
- All incidents occurring at the premises will be recorded in an Incident Book maintained by the Premises Licence holder or a nominated member of staff. The details which will be recorded in the Incident Book are: the time and date of the incident; the name or full description of any person(s) involved (including staff members), whether the incident was recorded on CCTV, and the signature of the person making the entry. This book will be available at all times for inspection by the Police and other Responsible Authorities upon request.
- Persons known to be, or suspected to be, buying alcohol or tobacco on behalf of children will be refused and reported to the Police.

The Protection of Children from Harm

- Adherence to the law surrounding the ban on the sale of alcohol and tobacco to those under 18.
- The operation of a documented Age Certification Policy (Challenge 25) where all patrons believed to be under the age of 25 who seek to purchase age restricted goods will be asked to provide proof of age in the form of a UK Driving Licence, Passport, Military ID card or photo identification which is endorsed with the government PASS holographic logo.
- A refusals register must be in place at the premises and used to keep a record of all attempted test purchases of alcohol and tobacco where a person believed to be under 25 is challenged and no identification is provided and the sale is therefore refused.
- The refusals register should record: the date and time of the refusal, a description of the young person refused, the goods asked for, any significant comments made or behaviours exhibited by the person and the signature of the person making the entry.
- The register should be checked for completion and signed off on a regular basis by the DPS or Premise Licence Holder. The refusal register must be kept available at all times for inspection by the Police and other Responsible Authorities upon request.

- **Persons known to be or suspected of buying on behalf of children will be refused and reported to the Police.**
 - **Notices to be displayed concerning the law surrounding the ban on the sale of alcohol to children and explaining the Challenge 25 scheme.**
 - **All staff to receive full training on the law surrounding the sale of age restricted products and the operation of the Challenge 25 scheme. Regular reminders to staff as to their obligations with respect to the above.**
 - **All staff training records and reminders to be put in writing and kept as a record of training which must be kept on the premises and be available at all times for inspection by the Police and other Responsible Authorities on request.**
-



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
 Granted
 Issued

DWTSPR0268
17 September 2009
17 September 2009

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
KHAN'S FOODSTORE 25-27 WEST ROAD ANNFIELD PLAIN STANLEY DH7 9XA	DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number: [REDACTED]	

Where the licence is time limited the dates
 N/A

Licensable activities authorised by this licence
 Sale by Retail of Alcohol

The opening hours of the premises (all times in 24hr format)

Monday	06 30-23:00	Non standard/seasonal timings: N/A
Tuesday	06 30-23:00	
Wednesday	06 30-23:00	
Thursday	06 30-23:00	
Friday	06.30-23:00	
Saturday	06 30-23:00	
Sunday	07 00-22:30	

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

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

Sale by retail of alcohol
 Off Sales Only

Monday	08 00-23:00	Further details
Tuesday	08 00-23:00	
Wednesday	08 00-23:00	Non standard/seasonal timings.
Thursday	08.00-23:00	
Friday	08 00-23:00	
Saturday	08 00-23:00	
Sunday	10.00-22:30	

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
MR MOHAMMED IMTIAZ KHAN [REDACTED] [REDACTED] [REDACTED]	

Registered number of holder, for example company number, charity number (where applicable)	
Company no:	N/A
Charity no:	N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol MR MOHAMMED IMTIAZ KHAN [REDACTED] [REDACTED] [REDACTED]

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 [REDACTED] DURHAM

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 premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol: -

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 a holographic mark.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

The premises will comply with licensing laws in relation to the sale of alcohol.
The premises will only sell alcohol in sealed containers and this will be restricted to over 18s.
A refusal register is maintained and kept up to date and made available upon request by the police.

The Prevention of Crime and Disorder

The staff are constantly on the alert to criminal activity.
The staff will request ID from any persons suspected to be under age.
The premises will display notices stating that ID must be provided.
CCTV is installed and data kept on a 28 day cycle and made available to police on request.

Public Safety

The premises will ensure that all aisles are clean and clear on encumbrance
The premises will adhere to Health and Safety and First Aid equipment.
The premises will be aware of overcrowding and not allow this to take place inside the premises.

The Prevention of Public Nuisance

The premises will prevent groups of people congregating outside.
Staff will refuse the sale of alcohol to any person who is inebriated.
The staff will ask customers not to consume alcohol purchased outside the premises.

The Protection of Children from Harm

The staff will only permit 3 children into the premises at any one time.
The staff will ensure that young children are accompanied by an adult whilst on the premises.
Challenge 25 policy is adopted.

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



LICENSING ACT 2003 PREMISES LICENCE SUMMARY

Premises Licence Number
Granted
Issued

DWTSPR0266
17 September 2009
17 September 2009

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
KHAN'S FOODSTORE 25-27 WEST ROAD ANNFIELD PLAIN STANLEY DH7 9XA	DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number:	

Where the licence is time limited the dates N/A

Licensable activities authorised by this licence Sale by Retail of Alcohol

The opening hours of the premises (all times in 24hr format)		
Monday	06:30-23:00	Non standard/seasonal timings: N/A
Tuesday	06:30-23:00	
Wednesday	06:30-23:00	
Thursday	06:30-23:00	
Friday	06:30-23:00	
Saturday	06:30-23:00	
Sunday	07:00-22:30	

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

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

Sale by retail of alcohol		
Off Sales Only		
Monday	08:00-23:00	Further details
Tuesday	08:00-23:00	
Wednesday	08:00-23:00	Non standard/seasonal timings:
Thursday	08:00-23:00	
Friday	08:00-23:00	
Saturday	08:00-23:00	
Sunday	10:00-22:30	

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

MR MOHAMMED IMTIAZ KHAN

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

Company no: N/A

Charity no: N/A

Name of designated premises supervisor where the premises licence authorises the sale by retail of alcohol

MR MOHAMMED IMTIAZ KHAN

State whether access to the premises by children is restricted or prohibited

NOT APPLICABLE

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

**DURHAM COUNTY COUNCIL – CONSUMER PROTECTION
ENVIRONMENT, HEALTH & CONSUMER PROTECTION**

STATEMENT OF WITNESS

(Criminal Procedure Rules, r6.2; Criminal Justice Act 1967, s.9)

STATEMENT OF: Graham John Blount
AGE: (if over 18 enter "over 18"): over 18
OCCUPATION: Senior Trading Standards Officer
ADDRESS: C/O EHCP (Trading Standards) PO Box 617,
Durham, DH1 9HZ

This statement consisting of page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 19 day of Feb 20 19

Signed

I am a Senior Trading Standards Officer employed by Durham County Councils Trading Standards Service in the Business Compliance Team. I hold the Diploma in Trading Standards awarded in 1992. I am currently qualified as a Trading Standards Practitioner through the Chartered Institute of Trading Standards. I am an Authorised Officer under the Licensing Act, 2003.

On 13th December, 2018 I was employed on Operation [REDACTED] an underage test purchase exercise that was targeting off licences within the County. I was accompanied by PC Ian Robertson and PCSO Michelle Williamson, of Durham Constabulary. All the premises targeted during that exercise had been identified through complaints from the public or intelligence received that they were selling alcohol to underage youths.

At the beginning of the operation a photograph was taken of the volunteer which I now produce as Exhibit GJB/A.

Signed:

Statement Taken by

STATEMENT OF: Graham John Blount

Continuation Sheet 1

At 19.17 hours on that Day, I tasked the sixteen year old volunteer to enter Khan's Foodstore, 25-27 West Road, Annfield Plain, County Durham and attempt to purchase alcohol. At 19.20 hours the volunteer emerged from the premises carrying a bottle of wine. I took the wine from the volunteer and placed it in an evidence bag, and labelled it as Exhibit GJB/1. The transaction was recorded on a covert camera worn by the volunteer and I now produce the footage from the camera as Exhibit GJB/2.

On 21st December, 2018, again as part of Operation [REDACTED] I returned to carry out a follow up test purchase from the premises accompanied again accompanied by PC Roberston and by PCSO Williamson. Before the operation commenced I took a photograph of the volunteer. I now produce a copy of this photo as GJB/B

At 19.26 hours I tasked the fifteen year old volunteer to enter Khan's Foodstore, 25-27 West Road, Annfield Plain, County Durham and to attempt to again test purchase alcohol. At 19.29 hours the volunteer emerged from the premises carrying a bottle of wine. I took the bottle from the volunteer and placed them in an evidence bag and labelled them as Exhibit GJB/3. The transaction was again recorded on a covert camera worn by the volunteer and I now produce the footage from the camera as Exhibit GJB/4.

On 15th January, 2018 I visited, Khan's Foodstore, 25-27 West Road, Annfield Plain, County Durham accompanied by PCSO Williamson to speak with the Premises Licence Holder. He was present and identified himself as Mohammed Imitiaz KHAN. I showed him the two photographs from the footage, and he confirmed that [REDACTED] had served the alcohol in both cases.

Signed:

Statement Taken by:

WITNESS STATEMENT**Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9**

URN

Statement of Michelle Williamson

Age if under 18: over 18

(if over 18 insert 'over 18')

Occupation: Licensing PCSO

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature

Date 4th February 2019

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court: Tick if witness evidence is visually recorded (supply witness details on rear)

I am a serving Police Community Support Officer within Durham Constabulary working from the Alcohol Harm Reduction Unit, Meadowfield.

On Thursday 13th December 2018 I was on duty taking part in Operation [REDACTED] which was a Trading Standards authorised test purchase operation in [REDACTED] County Durham. The operation involved sending a child volunteer wearing a covert camera into off licensed premises, the child volunteer would attempt to purchase alcohol with an ABV above 0.5%.

A briefing took place in which the child volunteers were instructed that if asked their age they could lie and say they were 18. The child volunteers were also instructed to state they had no identification if asked. The child volunteer for this operation was 16 years of age.

Approx 19:17hrs hrs on that day the child volunteer entered Khans Food Store, 25-27 West Road, Annfield Plain and purchased a bottle of red wine. The volunteer and not asked for ID or how old they were.

On Friday 21st December 2018, I was again taking part in Operation [REDACTED] a Trading Standards test purchase operaiton in the [REDACTED] area. The operation involved sending a child volunteer wearing a covert camera into off licensed premises, the child volunteer would attempt to purchase alcohol with an ABV above 0.5%.

A briefing took place in which the child volunteers were instructed that if asked their age they could lie and say they were 18. The child volunteers were also instructed to state they had no identification if asked. The child volunteer for this operation was 15 years of age.

Approx 19:17hrs hrs on that day the child volunteer entered Khans Food Store, 25-27 West Road, Annfield Plain and purchased a bottle of white wine. On this occasion the volunteer was asked how old they were, to which they replied 18. The volunteer was not for ID.

At 15:42hrs on Tuesday 15th January 2019 I attended Khans Food Store with Graham BLOUNT, Trading Standards Officers from Durham County Council with a picture of the male who sold the alcohol to the volunteer during the 2 test purchases and spoke to the owner. The owner informed use the male in the photo was [REDACTED]

[REDACTED] who was [REDACTED] A male who I now know to be [REDACTED] bn

confirmed it was him in both pictures and arrangements were made for me to

Witness contact details

URN

Name of witness: Michelle Williamson

Home Address: Annand House, Meadowfield

Postcode: DH7 8RS

E-mail address:

Mobile:

Home Telephone Number:

Work Telephone Number:

Preferred method of contact:

Gender:

Date and place of birth:

Former name:

Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? Yes [X] No [] If 'No', include reason(s) on form MG6.
b) What can be done to ensure attendance?
c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case) Yes [] No [X] If 'Yes' submit MG2 with file in anticipated not guilty, contested or indictable only cases.
d) Does the witness have any particular needs? Yes [] No [X] If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes [] No []
b) I have been given the Victim Personal Statement leaflet Yes [] No []
c) I have been given the leaflet "Giving a witness statement to the police..." Yes [] No []
d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes [] No [] N/A []
e) I consent to my medical record in relation to this matter being disclosed to the defence Yes [] No [] N/A []
f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes [] No [] N/A []
g) Child witness cases only: the provision regarding reporting restrictions explained to me. Yes [] No [] N/A []
I would like CPS to apply for reporting restrictions on my behalf. Yes [] No [] N/A []

I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.

Signature of witness:

PRINT NAME:

Signature of Parent

PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement taken by:

Station:

Time and place statement taken:

attend the premises to issue a ticket for the offence of sale of alcohol anywhere to a person under 18.

At 11:06hrs on Tuesday 22nd 2019 I attended Khans Food Store again in company with PC 1426 ROBERTSON. I cautioned [REDACTED] and issued Penalty Notice for Disorder ticket number [REDACTED] for the offence of Sale of alcohol anywhere to a person under 18, contrary to S146(1) of Licensing Act 2003 which he signed and accepted. It was explained to [REDACTED] that he had 2 options, within 21 days she should either pay the notice or request the matter be dealt with at court, both can be done by completing either PART 3 or PART 4. If he failed to do this with the 21 days the fine would increase by one and a half times and it would be registered with the court against him and he may be charged with the relevant offence.

Signature

Signature witnessed by:

Appendix 5: Representations

WITNESS STATEMENT**Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9**

URN

Statement of Michelle Williamson

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Licensing PCSO

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature

Date 20th March 2019

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court: Tick if witness evidence is visually recorded (supply witness details on rear)

I am a serving Police Community Support Officer within Durham Constabulary working from the Alcohol Harm Reduction Unit, Meadowfield. I have responsibility for licensed premises within county Durham, I hold a national certificate for licensing practitioners.

Durham Constabulary fully support the review application submitted by Durham County Council. There is evidence to support that Khans Food Store, 25-27 West Road, Annfield Plain is not promoting the licensing objectives namely protection of children from harm, prevention of crime and disorder, public safety and public nuisance.

The same employee failed 2 test purchases, one being on 13th December 2018 and 21st December 2018.

In relation to the 2 failed test purchases Durham Constabulary deem the sale of alcohol to children to be not only reckless, but very irresponsible as NHS studies show that drinking alcohol can damage a child's health, even if they're 15 or older. It can affect the normal development of vital organs and functions, including the brain, liver, bones and hormones.

Beginning to drink before age 14 is associated with increased health risks, including alcohol-related injuries, involvement in violence, and suicidal thoughts and attempts.

Drinking at an early age is also associated with risky behaviour, such as violence, having more sexual partners, pregnancy, using drugs, employment problems and drink driving.

Durham Constabulary feel the business owner by failing to train his staff adequately and his employees are putting profit ahead of protecting children from harm.

On Thursday 13th December 2018 I was on duty taking part in Operation A 2018, which was a Trading Standards authorised test purchase operation in Consett and Stanley, County Durham. The operation involved sending a child volunteer wearing a covert camera into off licensed premises, the child volunteer would attempt to purchase alcohol with an ABV above 0.5%.

A briefing took place in which the child volunteer was instructed that if asked their age they could lie and say they

were 18. The child volunteer was also instructed to state they had no identification if asked. The child volunteer for this operation was 16 years of age.

Approx 19:17hrs hrs on that day the child volunteer entered Khans Food Store, 25-27 West Road, Annfield Plain and purchased a bottle of red wine. The volunteer and not asked for ID or how old they were.

On Friday 21st December 2018, I was again taking part in Operation A 2018, a Trading Standards test purchase operaiton in the Consett and Stranley area. The operation involved sending a child volunteer wearing a covert camera into off licensed premises, the child volunteer would attempt to purchase alcohol with an ABV above 0.5%.

A briefing took place in which the child volunteer was instructed that if asked their age they could lie and say they were 18. The child volunteer was also instructed to state they had no identification if asked. The child volunteer for this operation was 15 years of age.

Approx 19:17hrs hrs on that day the child volunteer entered Khans Food Store, 25-27 West Road, Annfield Plain and purchased a bottle of white wine. On this occasion the volunteer was asked how old they were, to which they replied 18. The volunteer was not for ID.

At 15:42hrs on Tuesday 15th January 2019 I attended Khans Food Store with Graham BLOUNT, Trading Standards Officers from Durham County Council with a picture of the male who sold the alcohol to the volunteer during the 2 test purchases and spoke to the owner. The owner informed use the male in the photo was who was in the flat upstairs from the shop. A male who I now know to be , bn confirmed it was him in both pictures and arrangements were made for me to attend the premises to issue a ticket for the offence of sale of alcohol anywhere to a person under 18.

At 11:06hrs on Tuesday 22nd January 2019 I attended Khans Food Store again in company with PC 1426 ROBERTSON. I cautioned and issued Penalty Notice for Disorder ticket number 011803 80160212, for the offence of Sale of alcohol anywhere to a person under 18, contrary to S146(1) of Licensing Act 2003 which he signed and accepted. It was explained to that he had 2 options, within 21 days she should either pay the notice or request the matter be dealt with at court, both can be done by completing either PART 3 or PART 4. If he failed to do this with the 21 days the fine would increase by one and a half times and it would be registered with the court against him and he may be charged with the relevant offence.

Durham Constabulary fully support Durham County Council in the revocation of the premsies licence for Khan's Food Store, 25-27 West Road, Annfield Plain.

Signature:

Signature witnessed by:

Witness contact details

URN

Name of witness: Michelle Williamson

Home Address: Annand House, Meadowfield

Postcode: DH7 8RS

E-mail address:

Mobile:

Home Telephone Number:

Work Telephone Number:

Preferred method of contact:

Gender:

Date and place of birth:

Former name:

Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? Yes No If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*) Yes No If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? Yes No If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes No
 - b) I have been given the Victim Personal Statement leaflet Yes No
 - c) I have been given the leaflet "Giving a witness statement to the police..." Yes No
 - d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
 - e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
 - f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
 - g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes No N/A
- I would like CPS to apply for reporting restrictions on my behalf. Yes No N/A

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'.

Signature of witness:

PRINT NAME:

Signature of Parent

PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement taken by:

Station:

Time and place statement taken:

Contact: Sean Barry
Direct Tel:
Fax:
email:
Our ref: SB/2019



Durham County Council
Licensing Services
PO Box 617
Durham
DH1 9HZ

Durham County Council

25 MAR 2019

22 March 2019

Dear Sir / Madam

Adult & Health Services

Re – Khan's Foodstore, 25-27 West Road, Annfield Plain, Stanley. DH7 9XA.

I represent County Durham Public Health department within Durham County Council which is a responsible authority under the Licensing Act 2003. Due to information contained in this review Public Health wish to record their support for a licensing review of the premises above.

Evidence presented in the application of review raises concerns about the protection of children from harm.

We know alcohol is linked to 200 different diseases and injuries including heart disease, liver disease and seven types of cancer.¹ It's harmful for adults - but the risks are even greater for under 18s whose minds and bodies are still developing, for example;

- **Young brains continue to develop and change until the mid-twenties. Drinking alcohol before adulthood can change or delay the development of the logical, thoughtful part of the brain.²**
- **Alcohol can affect a child's mental health and wellbeing. It is linked to stress, depression and self-harming behaviour.³**
- **Children are smaller, which means alcohol's effects work more quickly. Alcohol poisoning can result in young people being admitted to hospital or worse.⁴**

Adult & Health Services
Durham County Council, County Hall, Durham DH1 5UG
Main Telephone 03000 26 0000
www.durham.gov.uk

- **Alcohol can lead to other risky, impulsive behaviour.** *Young people who drink regularly are four times more likely to smoke and three times more likely to take other, illegal drugs. They are more likely to get hurt due to an accident or as a result of violence.*⁵
- **Children's bodies are still developing through the teenage years.** *We know that drinking alcohol can affect their liver, bones, hormones and their growth.*⁶

The use of age verification policies, refusal register and the supervision and training of staff on licensed premises can make a significant contribution in ensuring that licensed premises restrict the availability of alcohol to all children and young people.

Public Health believe the role of the premises licence holder and designated premises supervisor are positions of responsibility. Given the information in the review Public Health would have no confidence at this time that the premises in question can be considered as a responsible licence premises.

Therefore, on behalf of Public Health, I would support the application to review the premises licence.

Yours sincerely

Amanda Healy
Director of Public Health

Evidence

¹ World Health Organization (2018). Global status report on alcohol and health 2018.

² CMO for England (2009) Guidance on the consumption of alcohol by children and young people.

³ CMO for England (2009) Guidance on the consumption of alcohol by children and young people. Newbury-Birch et al (2009) Impact of Alcohol Consumption on Young People. A Systematic Review of Published Reviews.

⁴ PHE (2018) Local Alcohol Profiles for England.

⁵ CMO for England (2009) Guidance on the consumption of alcohol by children and young people. NHS Digital (2016). Smoking, drinking and drugs use among young people.

⁶ CMO for England (2009) Guidance on the consumption of alcohol by children and young people.

Lee Peacock
Strategy & Development Officer
Local Safeguarding Children Board
Transformation and Partnerships
Durham County Council
County Hall
Durham
DH1 5UL

Ref LP/2019/030

Date: 26th March 2019

Durham County Council
Licensing Services
PO Box 617
Durham
DH1 9HZ

To whom it may concern

Re: Khans Foodstore, Annfield Plain

By way of background, as a responsible authority under the Licensing Act, Durham Local Safeguarding Children Board (LSCB) examines all licensing applications to ensure that safeguards are in place to protect children and young people from harm.

Durham LSCB recognises that children and young people's access to alcohol can make them vulnerable to exploitation; become victims of crime as well as the possibility of becoming an offender themselves. This is supported by analysis, both locally and nationally.

The use of age verification policies, refusal register and the supervision and training of staff on licensed premises can make a significant contribution in ensuring that licensed premises restrict the availability of alcohol to all children and young people.

Durham LSCB has received an application from Durham Constabulary for a review of a premises licence under the Licensing Act 2003, in respect of the premises:

Evidence presented in the application of review raises concerns about the protection of children from harm. In particular my concerns centre on the following:

- Under age sales
- No procedures nor training in place
- No evidence of a refusals register being kept

Durham LSCB believe the role of the premises licence holder and designated premises supervisor are positions of responsibility. Based on the evidence provided in this review it is apparent that the conditions of licence are not being adhered to and the premises licence holder and designated premises supervisor are not fulfilling their roles in respect to the premises licence.

Therefore, on behalf of the Durham LSCB, I would support the application by Durham Constabulary to review the premises licence.

Yours sincerely

**Lee Peacock
Strategy & Development Officer
Local Safeguarding Children Board**

Appendix 6: Responses from Responsible Authorities

Yvonne Raine

From: Ted Murphy
Sent: 13 March 2019 09:15
To: Yvonne Raine
Subject: RE: Licensing Act 2003 - Review application rec'd - Khan's Foodstore, Annfield Plain

Dear Yvonne,

I have no representations to make regarding this review.

Regards

Ted.Murphy
Senior Environmental Health Officer
Regeneration and Local Services

T:
E:

Web: www.durham.gov.uk
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Yvonne Raine

From: Lisa Morina
Sent: 15 March 2019 07:41
To: Yvonne Raine
Subject: Review of Premises License - Khans Foodstore - CON28/19/00739

Yvonne

Proposed Application for a review of premises licence.
At Khans Foodstore 25 - 27 West Road Annfield Plain Stanley DH9 7XA

I refer to the above and can confirm that the planning department has no comments to make.

Thanks

Lisa

Lisa Morina
Planning Officer
Planning Development (Central East),
Room 4/86-102
County Hall, Durham
DH1 5UL
Tel:

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Help shape the future of County Durham

Have your say on the County Durham Plan at
www.durham.gov.uk/future
22 June – 3 August 2018





Chief Fire Officer: Stuart Errington

Fire and Rescue Service Headquarters,
Belmont Business Park, Durham, DH1 1TW

Date: 13 March 2019

This matter is being dealt with by: Jonathan Smith

Ext:

Our Ref: 2A10100111

Your Ref: Khan's Foodstore,
Annfield Plain

Direct Dial Telephone:
E-mail:

Yvonne Raine
Senior Licensing Officer
Regeneration and Local Services
Durham County Council
Annand House
Meadowfield
Durham. DH7 8RS

Dear Yvonne

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Khan's Supermarket, 25-27 West Road, Annfield Plain, Stanley, DH9 7XA

I acknowledge your application dated 12 March 2019 for a Premises Licence review under The Licensing Act 2003 in respect of the above named premises.

No representations will be made to the Licensing Authority subject to the responsible person for the above premises ensuring compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005.

For further guidance please refer to <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents> which provides information about the Regulatory Reform (Fire Safety) Order 2005.

Should you require any further information please do not hesitate to contact me on the telephone number or e-mail address shown above or visit our website www.ddfire.gov.uk and follow the link to Fire safety at work.

Yours faithfully

Jonathan Smith
Fire Safety Section



www.ddfire.gov.uk

Appendix 7: Statement of Licensing Policy

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.

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.

10.0 Protection of Children from Harm

10.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm and the effects of alcohol on parenting.

10.2 The Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:

- At any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
- Between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises
- The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.

10.3 The Licensing Authority may consider the following when dealing with a licence application where children may have limited access:

- Limitations on the hours when children may be present.
- Limitations on under 18s
- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult to be present.
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature).

- Limitations on the parts of premises to which children might be given access.
- Any other limitations appropriate to the application and according with the four licensing objectives.

10.4 The Licensing Authority will work closely with the Police and the Council's Trading Standards service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17 year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25.

10.5 The Licensing Authority is aware of young persons' vulnerability to alcohol and events which are aimed at children under the age of 18 years on licensed premises will not be supported by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

10.6 The Licensing Authority, Durham Constabulary Alcohol Harm Reduction Unit and the Local Safeguarding Children Board have produced a "good practice guide" for an event catering for under-18's and mixed events of under and over 18's. This guide is highly recommended by the Licensing Authority and should be adhered to by licence holders and event organisers.

10.7 Recorded staff training programmes, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales and proxy sales and are to be encouraged.

10.8 The Licensing Authority commends the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.

10.9 Access to Cinemas: In the case of premises requiring an licence to show films, applicants should include in the operating schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

10.10 The Act provides that it is mandatory for Licensing Authorities to include a condition in all premises licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Licensing Authority itself.

10.11 Should the Licensing Authority need to adopt its own system of film classification the information regarding such classifications will be published on the Local Authority's website.

10.12 Children and Public Entertainment: Many children go to see and / or take part in an entertainment arranged especially for them. For example, children's film shows

and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises.

10.13 Where entertainment requiring a Licence is specifically presented for children, the Licensing Authority will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The Council will require those caring for or supervising children to have undergone an appropriate Criminal Record check with the Disclosure and Barring Service.

10.14 With regard to this Licensing Objective, the Licensing Authority considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified as a result of premises, personal applications and all variations to licences are covered by this protocol.

10.15 Applicants are advised to seek advice from the Local Safeguarding Children Board and incorporate any recommendations in their Operating Schedule before submitting their applications

22.0 Reviews

22.1 The Licensing Act provides a mechanism for reviewing premises licences and Club Premises Certificates where problems associated with premises undermine the licensing objectives following grant or variation.

22.2 At any stage during the life of a premises licence or a club premises certificate, an application for a review can be made to the Licensing Authority by any responsible authority, elected Member or any other person. However, where an application for a review is considered to be frivolous vexatious or repetitious or where an application for a review is considered not relevant to the licensing objectives the Licensing Authority will reject it.

22.3 The proceedings set out in the Act for reviewing premises licences and club premises certificates represent a key protection for the community. Unless an application is withdrawn, deemed to be frivolous, vexatious or repetitious or does not relate to the licensing objectives, the Licensing Authority will hold a hearing and take any necessary steps to promote the licensing objectives, such as modification of conditions, exclusion of licensable activities, removal of the designated premises supervisor, suspension of the licence/certificate for up to 3 months or the revocation of the licence/certificate.

22.4 Local residents can request that their licensing authority review a premises licence where activities at licensed premises are undermining one or more of the licensing objectives.

22.5 It is always worth considering other options before requesting a review of a licence, including:

- Talking to those who manage the premises to let them know about the problem and give them the opportunity to address the issues,
- Asking the licensing department at your council to talk to those who manage the premises on your behalf, or
- Talking to the relevant “responsible authority” (e.g. local authority exercising environmental health functions in relation to noise nuisance, or the police in relation to crime and disorder) about the problem.

22.6 If a request for a review of the premises licence is made by e.g. a local resident, they are required to notify the holder of the premises licence or club premises certificate and the “responsible authorities”, by sending them a copy of the request, together with any accompanying documents, on the same day as the request is given to the licensing authority. The licensing authority will advertise the review to enable others (responsible authorities or other persons) to comment on it. Responsible authorities have the option, if they wish, to comment on any application for a review.

22.7 A licensing authority must act on requests for review unless they consider the request to be irrelevant, repetitive, frivolous or vexatious. Frivolous representations would concern minor issues which the licensing authority could not reasonably be required to take any action to remedy. Representations may be considered vexatious if they appear to be intended to cause aggravation or annoyance without reasonable cause.

22.8 The licensing authority will advertise the fact that a request for review of the licence has been received, and allow a period of 28 days for other persons to make representations to it (such representations can be for or against the activities at the premises in question).

22.9 After the period for making representations has expired, the licensing authority will hold a hearing to consider the request unless the request for review has been withdrawn. The request will in most cases be considered by the licensing sub-committee who will hear representations from all parties involved.

22.10 The licensing authority will invite you to attend the hearing and give the applicant for the review the opportunity to address the licensing sub-committee in support of the request for review. They must then give the authority at least 5 working days’ notice (prior to the start of the hearing), advising:

- If they will attend the hearing in person,
- Whether they will be represented by someone else (e.g. councillor / MP / lawyer / residents’ association representative / friend),
- If they think that a hearing is unnecessary (if, for example, the parties have come to an agreement before the formal hearing), or
- They may also request permission for another person to attend the hearing, and must advise the licensing authority how that person may be able to assist the authority in relation to the request for review

22.11 Once the sub-committee has listened to and considered all views and evidence, it must decide what (if any) action is appropriate to promote the licensing objectives. Actions can include:

- No action,

- Modifying the conditions of the licence (change, add or remove conditions – Including operating hours),
- Excluding a licensable activity from the licence,
- Removing the designated premises supervisor,
- Suspend the licence for a period (not exceeding 3 months), and
- Revoke the licence.

22.12 The Licensing Authority will not expect a premises licence to be reviewed more than once within any 12 month period on similar grounds, except in exceptional circumstances or where it arises following a Closure Order.

22.13 Appeals against the decisions of the Licensing Authority - There is a right of appeal for all parties concerned with the request for review (i.e. the applicant for the review, the premises licence holder or any other person who made relevant representations in relation to the application). This means that they can appeal to the magistrates' court if they are not happy with the decision of the licensing authority.

22.14 If there is an appeal against a licensing authority's decision, and you are unsuccessful, the magistrates' court can award costs against the appellant if it sees fit. This would mean that they would have to pay other parties' legal costs as well as your own. However, the Magistrates' Association and the Justices' Clerks Society has advised that awarding costs for a licensing appeal should be an **exception** and not a rule, and any resident with reasonable grounds for appeal should not be penalised.

22.15 If the licence holder appeals against the licensing authority's decision, the appeal will be heard by the magistrates' court. The licensing authority will be the respondent to the appeal and may call the person who brought the review (and any other person or responsible authority) as a witness in support of its case. The decision of the licensing authority in relation to the review will be suspended until the appeal is determined.

22.16 An application to appeal the decision must be made within 21 days of the notice of decision.

22.17 In hearing an appeal against the Licensing Authority's decision, the court will have regard to this policy and the guidance issued under Section 182 of the Licensing Act 2003. However, the court would be entitled to depart from both of these documents if it considers it justified so to do.

22.18 In respect of personal licences, appeals must be made to the Magistrates' Court in the area where the licence was issued. Appeals in relation to all other authorisations must be made to the Magistrates' Court where the premises or event is situated.

Appendix 8: Section 182 Guidance

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.

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or

- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a

licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.
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Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act

Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

Section 182 Guidance - The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.
- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be

positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more

than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the

representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for employing a person who is disqualified from that work by reason of their immigration status in the UK;
 - for unlawful gambling; and
 - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;

- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.