



Statutory Licensing Sub-Committee

Date Tuesday 26 November 2019
Time 10.00 am
Venue Council Chamber, 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 4 June, 16 July, 22 August, 5 September, 17 September, 1 October and 8 October 2019 (Pages 3 - 66)
5. Applicant for the Grant of a Premises Licence - 17 Chester Street, Bishop Auckland (Pages 67 - 128)
6. 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
18 November 2019

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

Councillors C Carr, A Hopgood, L Kennedy, K Liddell and
J Maitland

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2 - County Hall, Durham on **Tuesday 4 June 2019 at 10.00 am**

Present:

Councillor L Marshall (Chair)

Members of the Committee:

Councillors P Atkinson, D Brown and C Hampson

Also Present:

Premier Shield Row Food and Wine

Mr S Buston (Council's Solicitor)

Ms H Johnson (Licensing Team Leader)

Ms L Brooks (Trading Standards Team Leader)

PCSO Michelle Williamson (Durham Constabulary)

Ms L Mustard (Dere Street Chambers, on behalf of the Premises Licence Holder)

Mr M Ullah (Premises Licence Holder)

Odeon Cinema

Mrs C Hazell (Council's Solicitor)

Ms Y Raine (Senior Licensing Officer)

Ms S Davies (Clifton Davies Consultancy Ltd – Applicant's Consultant)

Ms M Harding (General Manager for Odeon Cinema)

Mr D Kerr (Project Manager for Odeon Cinema)

Mr N Ripon (on behalf of Roberta Blackman-Woods MP)

Cllr R Cromwell (Durham City Parish Council)

Cllr L Brown (Durham City Parish Council)

1 Apologies for Absence

An apology for absence was received from Councillor J Blakey.

2 Substitute Members

There were no substitute members.

3 Declarations of Interest

Councillor L Marshall declared an interest in the Application for the Grant of a Premises Licence for Odeon Luxe Cinema, Durham and withdrew from the meeting during consideration thereof.

4 Minutes

The Minutes of the meeting held on 23 and 30 April 2019 were agreed as a correct record and were signed by the Chair.

5 Application for the Review of a Premises Licence - Premier Shield Row Food and Wine, 1 Rodham Terrace, Shield Row, Stanley

Members:

Councillor L Marshall (Chair), Councillors P Atkinson and C Hampson

The Committee considered a report of the Licensing Team Leader regarding an application for the review of a Premises Licence in respect of Premier Shield Row Food and Wine, 1 Rodham Terrace, Shield Row, Stanley (for copy see file of Minutes).

A copy of the application and supporting information had been circulated to Members, together with further information from the Applicant.

Laura Brooks, Team Leader, Trading Standards addressed the Sub-Committee on behalf of the Applicants. Members were informed that Trading Standards received intelligence from the Police in December 2018 that the premises was alleging to be selling alcohol to young people under the age of 18. The area was experiencing problems of anti-social behaviour and Premier Food and Wine was targeted with other premises in a Police Operation. As part of that operation 2 test purchases were carried out, details of which were set out in the report.

Following the failed test purchases a visit was made to the premises by Trading Standards and the Police and the sales assistant who had failed made both sales had said that she had not been working in the store for very long and had received no training on challenging people and was unaware of any procedure for recording refusals.

On 25 February 2019 Trading Standards met with the Licence Holder and found that the female was no longer working on the premises and found a number of negatives in terms of how the shop was managed:

- Staff training was carried out verbally only and no records were kept
- Challenge 25 posters were on display but there was no formal written policy
- The till had an electronic prompt system for refusals but tickets were not retained.

Ms Brooks advised that she had met with the Licence Holder on 26 March 2019 to discuss conditions to be added to the Premises Licence. She was only confident that the licensing objective would be upheld with these 'tweaks' to the existing Premises Licence. Mr Ullah had expressed his willingness to take steps to ensure the licensing objective protection of children from harm was promoted. The complex points discussed were included in a letter to Mr Ullah, a copy of which had been circulated.

Following queries from Councillor Crathorne and Councillor Brown, Ms Brooks confirmed that there were two typing errors in the report - it was 15 January 2019 when Officers visited the premises and the sale made on the first visit was 4 cans of lager as stated in the witness statement, not a bottle of wine.

Following a further question from Councillor Brown about test purchases Ms Brooks advised that volunteers were carefully selected to ensure that they did not appear older than their actual ages. A large number of premises were targeted as part of an Operation.

Answering questions from Members, Ms Brooks confirmed that the alcohol was bagged and tagged as evidence so that it could be used in criminal proceedings.

The Licence Holders Barrister, Lorraine Mustard, confirmed that the same member of staff had failed both test purchases, but no longer worked there and had only worked there for a short period of time. This was not a case of not wanting to comply with the licensing objectives.

Ms Brooks confirmed that there were some issues, particularly with staff training which needed addressing. She had to advise Mr Ullah that he had to ensure all staff received full training.

The Barrister queried why the review was dated 6 March which was one week after the meeting with Mr Ullah on 25 February. Ms Brooks confirmed that they were not confident that the recommended conditions would be adhered to if they were not determined by the Licensing Committee.

The Barrister asked why they couldn't have given Mr Ullah the opportunity before applying for a review and Ms Brooks confirmed that there were two visits to the premises, one on 25 and one on 28 February, and there had

been no changes made. The same issues were discussed on 28 February and she was unaware whether any consideration was given to allow Mr Ullah a period of time to make the changes.

PCSO Williamson confirmed that she had visited on 15 January and the shop assistant said she only worked a couple of nights, she was not aware of a refusals register and had not been trained. In response to the Councils Solicitor, PCSO Williamson confirmed that the FPN issued was for £90 and if it they are not paid, the recipient is summonsed to court.

Mr Ullah confirmed that he had five members of staff and one of them held a Personal Licence. All staff had been sent for training and two were now in receipt of a Premises Licence and two staff were qualified DPS. There had been an issue with one member of staff receiving a DPS. He confirmed that he had purchased a programme for £100 per month which warned shop assistants to ask for ID and a receipt was produced for a refusal. The Barrister suggested that there had been a lack of organisation in the past but a refusals register would be kept up to date.

With regards to the licensing objectives, the Barrister confirmed that there did not appear to be any reference in the report with regards to public nuisance, only the protection of children from harm. As well as alcohol the store sold cigarettes and Lotto tickets, which were regularly checked by Camelot. A letter was produced to the Chair which confirmed a successful test purchase had taken place by Camelot. Mr Ullah was doing everything a Licence Holder could do and she did not feel it was necessary to take further action.

The Chair asked how often staff would undergo training and the Barrister confirmed that in addition to DPS training, staff had undertaken health and safety training by a certified company. Mr Ullah had went beyond what was required by a Premises Licence Holder.

The Councils Solicitor asked if Mr Hussain had been on the DPS course and it was confirmed that was given internal training, of which records could be provided for inspection. All new staff would be given new training.

Ms Brooks confirmed that when she met with Mr Ullah, they discussed reminders at regular intervals to remind staff about selling alcohol to children, Challenge 25 and with regards to health and safety. In addition, he was advised to ensure that he was using the booklets given to complete when reminders were given.

In summing up Ms Brooks confirmed that the proposed course of action for the Sub-Committee was to consider more robust conditions to the premises licence which would help the business to promote the licensing objectives more effectively.

The Barrister summed up on behalf of the Licence Holder – it was clear that when given the opportunity of a tidying up exercise (which had been completely overlooked for a review), Mr Ullah had taken the right action. Therefore, no further action was needed and this was not a case of not taking responsibility seriously – the Camelot test purchase proved he was – but Mr Ullah was already doing what was required and to burden him with additional conditions was unnecessary - he had addressed all of the issues raised. She acknowledged that the Sub-Committee would take a proportionate view of what happened with a member of staff only being there a short period of time.

The Committee retired to deliberate the application in private at 10.55 am and upon returning at 11.10 am, the Chair delivered the Sub-Committees decision.

Resolved that the following conditions be imposed upon the Premises Licence:

The Prevention of Crime and Disorder

- CCTV footage must be available and downloaded upon request by a Responsible Authority.
- CCTV footage must be kept for a minimum of 28 days
- 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.

6 Application for the Review of a Premises Licence - Costcutter, Units 2-3 Old Co-op Buildings, Front Street, Burnopfield

The Licensing Team Leader confirmed that an adjournment be granted as it had become apparent that in addition to the License Holder, Mr James Millican, his son was also named Mr James Millican. There had been some

confusion as to which one held the Licence and the Licensing Team had been liaising with Mr Millican senior's son, when in fact Mr Millian held the Premises Licence.

Councillor L Marshall (left the Meeting)

Councillor Hampson (in the Chair)

7 Application for the Grant of a Premises Licence - Odeon Luxe Cinema, Unit 15, The Riverwalk, Durham

The Committee considered the report of the Senior Licensing Officer regarding an application for the grant of a Premises Licence in respect of the Odeon Luxe Cinema, Unit 15, The Riverwalk, Durham (for copy of report, see file of minutes).

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

The Senior Licensing Officer stated that the application was for a premises licence for a new cinema for the sale of alcohol for consumption on and off the premises from 11:00 hrs until 00:00 hrs Sunday to Thursday and 11:00 hrs until 01:00 hrs on Fridays and Saturdays; the provision of Regulated Entertainment from 09:00 hrs until 01:00 hrs Sunday to Thursday and from 09:00 hrs until 02:00 hrs on Fridays and Saturdays and the provision of Late Night refreshment from 23:00 hrs until 01:00 hrs Sunday to Thursday and from 23:00 hrs until 02:00 hrs Friday and Saturday.

Up to ten occasions per year, the application requested an extension of hours for the Sale of Alcohol up until 01:00 hrs and an extension for Regulated Entertainment and Late Night Refreshment up until 03:00 hrs.

Following Mediation with Durham Constabulary the applicant agreed to add an additional condition in relation to staff training, details of which were provided at Appendix 4 to the report.

Two objections had been received during the consultation period from Ms Roberta Blackman-Woods MP and Durham City Parish Council. Additional information had also been received from Ms Blackman-Woods.

In response to the objections, Ms Davies the Applicant's Consultant wrote to Ms Blackman-Woods and Durham City Parish Council to provide further details on the way the applicants proposed to operate the premises. A copy of the correspondence had been circulated with the papers.

Durham County Council's Environmental Health Authority, the County Durham Public Health department and the County Durham and Darlington Fire Safety Authority all responded to the consultation with no comments.

There were no questions of the Licensing Officer.

Mr N Rippon who was representing Ms Blackman-Woods thanked the Chair for the opportunity to address the Sub-Committee.

He read out the statement of Ms Blackman-Woods MP that stated that the application was for a regulated entertainment, late night refreshment and alcohol licence for the Odeon Luxe cinema in the River Walk complex, which was the new development on the site of the Gates shopping centre near North Road in Durham. North Road was situated near the centre of the city and sat adjacent to the World Heritage site. The area was home to a number of licensed premises and was the main route for transport services into and out of the city.

Ms Blackman-Woods welcomed the Odeon opening in Durham, and this was a much-needed addition to the city centre. There were several issues with the application in relation to the four licensing objectives, which she outlined in her submission to the licensing committee. The key points of concern were:

The applicant suggested that the majority of customers would travel by car, but only one car park in the complex was currently operational, and this closed at 10.30 pm. She asked why the applicant thought that this would mean that customers would be arriving and leaving by car, rather than on foot?

Even if customers parked elsewhere in the city, in reality, this would create more pedestrians on the streets of Durham, and the lack of public transport options may also lead to more people queueing for taxis, which was a recognised flash point for crime and disorder. The simple matter was, whether people choose to walk through the city to other locations where they had parked, whether they walked home, or whether they queued for taxis, this was simply creating more noise and disruption for residents in the city centre.

While not objecting to the sale of alcohol completely, this would only be acceptable if the applicant had in place stringent measures to ensure that the supply of alcohol did not lead to drunken, rowdy behaviour, both inside and outside of the premises, and that minors were not able to access alcohol, whether through direct sales or proxy sales.

She was aware that the applicant had put forward a number of conditions on this issue, such the inclusion of CCTV, a Challenge 25 policy and regular training for staff. The committee needed to be clear however that these conditions were enough, as it was questionable whether, in a dark and busy cinema, proxy sales could be properly controlled, and the licensing objectives could be properly promoted.

The case remained however that the application proposed introducing regulated entertainment and alcohol sales into a small area of the city that already had issues with saturation of licensed premises and was a small residential city. In her discussions with residents, in the meetings she had held on licensing issues, and in the submissions made to the local authority as part of the recent licensing review, it was clear that there were huge concern that the Framework Licensing Hours were simply not being adhered to, and licensing hours in Durham were being allowed to slip further and further into the early hours.

This application should adhere to the framework hours published in the current Statement of Licensing, as should all applications. While the sale of alcohol does largely fall within these framework hours (except the ten occasions a year this would be extended to 1.00 am on any day of the week), other regulated entertainment and late-night refreshment did not do so, as it was proposed that the cinema operated these services until 1.00 am Sunday to Thursday, and until 2.00 am on Fridays and Saturdays. For reference, the framework hours indicated that late night refreshment should only be provided until midnight during the week, and until 1.00 am on Fridays and Saturdays.

Equally, there was no reason why an extension to 1.00 am for alcohol and 3.00 am for other entertainment ten times a year should be granted as part of the licence. There was plenty of scope for applications to be made under the current TENs system should the applicant wish to do this. This would also allow the police and Environmental Health to make a full assessment of the suitability of the proposed dates for an extension of opening hours. It was questionable whether, in such a residential city, opening to 3.00 am was acceptable in any circumstance.

Durham have already seen a growing number of venues across the city being granted licenses that run outside the framework hours, and there was no reason why this should be allowed. There was real anger amongst residents within the city that the continued granting of late licenses was simply making the framework hours redundant, and so many residents were just at the end of their tether with this problem. This simply had to stop. The Framework of licensing hours was already at the extremes of what was acceptable for a residential city, and the normalisation of licenses until 2.00 am or later was not accepted by the vast majority of residents in the city.

She hoped that the licensing committee fully considered the impact that this application would have on the city centre, when determining this licence, and would take the necessary steps to uphold the licensing objectives.

There were no questions of Mr Rippon.

Mr Cornwell speaking on behalf of the City of Durham Parish Council was asked to address the Sub-Committee.

Mr Cornwell on behalf of the Parish Council welcomed the new cinema to the City and indicated that there were no issues with the proposal for the opening hours from 9.00 am as opposed to 10.00 am in their original planning application. They were however concerned with the proposed closing hours during the week which were a concern for the parish.

The original planning application for the cinema stated that the closing hours were Midnight Sunday to Thursday and 2.00 am on a Friday and Saturday and the Parish felt that the Cinema should stick to these opening hours which were already beyond the framework hours.

There are residential houses in close proximity to the cinema in particular Lambton Walk which was a row of maisonettes with a river view on the exit route from the cinema and when built the area was a shopping centre so was reasonably quiet on an evening. They now have a cinema which would cause disturbance in the evening and the small hours of the morning. There were potentially 253 students surrounding the cinema who were wanting to study and had already objected to the building noise as they moved in a year before the building was complete which had caused them a disturbance.

He then referred to the 10 occasions per year where the hours could be extended until 3.00 am for blockbuster movies but were seeking an extension of other activities like live and recorded music. In a subsequent letter to the parish council they offered conditions and advised that live and recorded music was ancillary to the provision of the exhibitions of film i.e. The Rocky Horror Show. He asked that if permission was granted to the cinema then he would like to see these conditions included.

He then indicated that not every point the parish had raised had been addressed and asked how drinks only to patrons would be enforced as someone could come in off the street, they also asked if they were going to have arrangements in place so that tickets had to be shown to obtain a drink.

There was an expectation that people would travel by car but there are a lot of students in Durham and some residents living within a mile of the cinema. There was likely to be a lot of people walking home from the cinema on a

Friday and Saturday coming out of the Cinema onto North Road being rowdy and so on. Visitors to the City would be returning to their hotels most likely on foot.

He referred to patrons driving to the Cinema and drinking moderately but not everyone was responsible. He then referred to the protection of young people and the cinema would be dark so would the CCTV operate with infra-red lighting. There were 6 screens so how were they going to be monitored and indicated that staff going into the cinema every 30 minutes was not enough to deter children from taken a drink.

They asked for the prevention of public nuisance and to protect children from harm the hours be limited to 12 midnight during the week and 2.00 am on a Friday and Saturday with sufficient conditions for the sale of alcohol to prevent under age children from being able to be passed an alcoholic drink.

Councillor Brown indicated that the parish had raised concerns about the tipping of glass bottles after 11.00 pm and asked if this condition had been included so that no glass bottles were tipped between the hours of 8.00 pm and 9.00 am.

Mr Cornwall indicated that a number of conditions had been offered and he asked that these be included. He commented that the tipping of glass bottles throughout the City was a concern and asked if this condition could be imposed.

Ms Davies, the Applicant's Consultant indicated that they had responded to the objections but were unable to engage until they met outside before the meeting today. She was pleased that both objectors welcomed the cinema and just had some issues.

Ms Davies then outlined the nature of the application and introduced Mr Kerr who was the project manager for the brand and Ms Harding who was the general manager and previously operated an Odeon cinema at Stoke then Leeds/Bradford which were bigger premises.

The Cinema would be their luxurious brand with greater emphasis on guest experience with a high level of service which was customer focused with staff on hand to show you to your seats etc. Seats were much bigger like first class on an aeroplane which were electric and had their own table. There were fewer seats in the auditorium so fewer people, the screen were small with a capacity of 43 with an overall capacity of 400.

Ms Davies then referred to the plan showing the layout of the venue and explained that the external terraced area would only be used during nice weather that had a maximum capacity of 20. The terrace would be monitored

by staff with no glass and alcohol could only be purchased on the production of a cinema ticket. The terraced area did not belong to Odeon but they had permission to use it and was the reason why they had applied for off sales.

Odeon operated throughout England and had 101 premises in the country. The company were very experienced in alcohol sales and some of the premises operated for 24 hours which was not the case for Durham. They were experienced in residential areas so were well experienced and not one of their premises had been subject to a review. It was a standard company condition that alcohol could only be purchased with a cinema ticket which was policed and was not a general bar and staff were trained to ensure that this was the case.

The alcohol was at a premium pricing and you could only purchase one drink per ticket at a time.

Ms Harding indicated that staff were trained on alcohol sales and that cinema tickets needed to be shown to purchase alcohol.

Ms Davies continued that alcohol was an ancillary service and patrons only tendered to have a drink before the screening. If the reputation of the Odeon was tarnished then they would lose business so they did not want disorder or children being able to obtain alcohol, if this came out it would be damaging to the brand.

The operating hours were in line with planning permission which was a separate function, but residential amenities had been consulted as part of the planning process.

All films had different times and the hours sought were to allow for extra screenings of blockbuster films to accommodate as many people as possible. The operating hours were also in line with alcohol sales and CCTV equipment was in place and someone on duty would always be able to use the equipment to facilitate inspections of the footage. The CCTV equipment operated in low light and not all screens would be in use at the same time, there would be patrols every 30 minutes and staff were trained to identify inappropriate behaviour and used infrared goggles to carry out these checks. They also check that people were not illegally filming so staff were used to monitoring.

Further conditions had been agreed with Durham Constabulary on the training of staff, films were an age restricted product, the company operated a challenge 25 and they had offered this as a condition. Challenge 25 was operated within the company nationally and not challenge 21. There was only one exit to leave the premises so staff on duty would remind customers to leave quietly which would be backed up with signage. They were working on

a dispersal policy which would be shared with staff. They had also offered a no glass condition so drinks would be served in non-glass ware and alcohol could only be purchased on the production of a cinema ticket.

There would be two car parks near the cinema and when they were both operational would have a capacity of 470 and 200, one of which was accessed from the cinema without having to go outside at all. The hours of the car park would be in line with the cinema opening hours and would offer concessions for people attending the cinema so there would be minimal disturbance. Other car parks were a 3 minute walk away when operational. There would be more disturbance from the pubs and bars than from people having one or two drinks at the cinema, who would be in a differed frame of mind.

Bottles in bins was potentially noisy so the cinema had a dedicated internal area for bottles, but they were happy to comply with the condition suggested by Mr Cromwell that there be no tipping of glass bottles between 8.00 pm and 9.00 am.

She then referred to the regulated entertainment which was ancillary and was for singing and dancing along while watching a film, there was no live music, it was just to ensure they were in line with legislation.

They were happy to include other conditions to promote the licensing objectives.

The circulated crime statistics were prepared for a different application and was for a consultation, so was not linked to this application. The 'Thwaites' case made it clear that decisions must be made on real evidence and not speculation.

She referred to the Licensing Act and how conditions could be attached to the licence before a refusal and there was the power to review the application if there were any issues. The company had 101 revenues up and down the country with no issues.

She then referred to the guidance issued by the Secretary of State which stipulated that any decision should be evidence based. She asked that little weight be attached to the statistics and indicated that the police were not making representations today.

The representation from Roberta Blackman-Woods referred to the proposed opening hours and indicated that cinemas were different to bars and they were seeking an extra hour each evening which was in line with the council's policy. It was a small cinema and not all screens would finish at the same time, so people leaving the cinema would be staggered.

She concluded her representations by stating that no local residents were objecting and in her 30 years' experience, residents would come forward if they had any concerns.

Councillor Atkinson stated that it was not unusual for cinemas to sell alcohol and asked if customers would continually come out of the cinema to purchase alcohol.

Ms Davies responded that customers came to watch a film and usually had a drink before the film and didn't tend to leave the film for a drink.

Councillor Atkinson then asked if this was monitored. In response Ms Davies stated that they could not prohibit people from leaving the film to purchase a drink but from experience this would not happen.

The Council's Solicitor asked when the second car park would be opened.

Members were advised that when the second car park closed the larger car would be open that had a larger capacity than the cinema.

Mr Cornwell referred to the layout of the screens with a chair and a table and how a child could pick up an alcoholic drink without being detected which was a concern.

Ms Davies responded that based on experience they had not had these issues previously.

All parties were invited to sum up.

Mr Ripon indicated that he had covered everything in his submission.

Mr Cornwell indicated that he had covered all issues he wished to raise and was happy to leave the decision in the hands of Members.

Ms Davies asked Members not to curtail the application as there was no evidence before them and asked Members to grant the application in its entirety subject to the conditions they had offered.

At 3.00 pm the Sub-Committee **Resolved** to retire to deliberate the application in private.

After re-convening at 3.30 pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee considered the report of the Senior Licensing Officer, the verbal and written representations of other persons and the Applicant. Members had also taken into account the

Council's Statement of Licensing Policy and S182 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 Activities	Days and Hours
Supply of Alcohol (consumption on and off the premises)	Sunday to Thursday: 11:00 to 00:00 hrs. Friday and Saturday: 11:00 to 01:00 hrs On no more than 10 occasions in any calendar year: 11:00 to 01:00 hrs (on any day of the week if not already authorised)
Plays, Films, Live Music, Recorded Music, Performance of Dance, Similar Entertainment (All Indoors)	Sunday to Thursday: 09:00 to 01:00 hrs Friday and Saturday: 09:00 to 02:00 hrs On no more than 10 occasions in any calendar year: 09:00 to 03:00 hrs (on any day of the week)
Late Night Refreshment (Indoors and Outdoors)	Sunday to Thursday: 23:00 to 01:00 hrs Friday and Saturday: 23:00 to 02:00 hrs On no more than 10 occasions in any calendar year: 23:00 to 03:00 hrs (on any day of the week)
Opening hours	Sunday to Thursday: 09:00 to 01:00 hrs Friday and Saturday: 09:00 to 02:00 hrs On no more than 10 occasions in any calendar year: 09:00 to 03:00 hrs (on any day of the week)

Condition mediated with Durham Constabulary

- a) All staff involved in the sale of alcohol shall be properly trained in accordance with the premises licence holder's own training programme and retrained every six months. Training records shall be made available to the police or authorised officer of the licensing authority on request.

Additional conditions:

Prevention of Crime and Disorder

- b) Off-sales of alcohol will be limited to sales made for consumption of alcohol on the terrace area, which may be used until 10pm;

Prevention of Public Nuisance

- c) Signage is to be displayed at the premises to remind guests that they are in a residential area and to leave quietly;
- d) Glass bottles should not be removed by the premises from 8pm until the closing time of the premises;
- e) Regulated entertainment, other than the exhibition of film, shall only be provided as ancillary activities to the exhibition of film.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2 - County Hall, Durham on **Tuesday 16 July 2019 at 10.00 am**

Present:

Members of the Committee:

Councillors P Atkinson, J Blakey, D Brown and C Hampson

Also Present:

Ms S Grigor (Council's Solicitor)

Alders Bar and Coffee House, Seaham

Ms K Robson (Licensing Officer)

Mr A Woollett (Applicant)

Mr and Mrs F Duncan (Other Persons)

Dr Aylott (Other Person)

Spice Island, Barnard Castle

Ms Y Raine (Licensing Officer)

Mr S Ahmed (Applicant)

Darlington Councillor S Ali (Assisting Applicant)

Mr R Keeling (Restaurant Manager)

Mr M Anslow (Senior Environmental Officer)

Councillor J Rowlandson (Barnard Castle TC)

Ms E Rowell (Other Person)

Councillor Hampson (in the Chair)

1 Apologies for Absence

An Apology for absence was received from Councillor L Marshall.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Variation of a Premises Licence - Alders Bar and Coffee House, 21 North Terrace, Seaham

Councillors C Hampson, D Brown and J Blakey

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 Alders Bar and Coffee House, 21 North Terrace, Seaham (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 application was to update the current internal plan and to extend the hours for recorded music and to extend the sale by retail of alcohol on a Thursday for one hour and on a Sunday for 90 minutes. The applicant had requested the removal of a condition relating to the order of alcohol being ancillary to a substantial meal which the applicant had now withdrawn as the condition was in relation to a delivery service that the premises were not offering.

During the consultation period three letters of representation were received from other persons. Members were advised that one of the representations received had not provided an address so the appropriate weight should be attached to the representation.

Responses were received from Durham Constabulary, County Durham and Darlington Fire and Rescue Service, Durham Safeguarding Children Partnership and Durham Council's Environmental Health Department confirming that they had no comments to make in relation to the application.

Additional information had been received from the Applicant that had been circulated to all parties prior to the meeting.

Mr Duncan, other person sought clarification on the serving of alcohol with a meal.

The Senior Licensing Officer advised that the condition was purely for a delivery service that the previous owner had volunteered as a minor variation to the licence.

Mr Duncan asked if alcohol could be purchased like a public house as he was under the impression you had to purchase a meal. The Senior Licensing Officer confirmed that alcohol could be purchased without a meal.

In response to a question from Mr Duncan, the Senior Licensing Officer confirmed that they needed to know the address as anyone could make representations.

Mr Duncan indicated that he was objecting to the opening of the premises at 7.00 am due to noise and the later opening hours due to the disturbance by patrons getting into taxis.

Dr Aylott, other person indicated that her main concern was the bi-fold doors which would become an extension to the premises onto the street which would disturb residents. The Applicant had assured her that everything would be contained inside the premises which would be high end with good quality food and a well-run business.

She was concerned of smoking outside the premises but again the applicant had reassured her that he would keep a check on this. She was concerned about the extension to the opening hours in the morning and had moved her bedroom to the rear of her property and indicated that other premises in the area were not open that early. Serving would be from 7.00 am but they would be in the premises from 6.30 am to prepare but she had been advised by the Applicant that no tables and chairs would be outside the premises at 7.00 am.

Mrs Duncan, other person referred to the problems associated with the premises with the previous owner. She lived 2 doors away from the premises and if the bi-fold doors were open, sound would travel. She was concerned of the later opening hours as previously they had to shut their windows and turn up the tv due to the noise from the premises. They needed reassurances that this would not happen again as she worked nights and needed to sleep during the day.

Councillor Atkinson asked if any other businesses in the area affected them.

Mrs Duncan responded that the Queen Bee closed at 10.00 pm and the Lamp Room closed at 11.00 pm. There were some café/restaurants further along but did not have the same opening hours as those proposed.

Dr Aylott indicated that Dempseys Bar was further along, and the Port of Call was open late which caused disturbance with glasses and bottles left on window sills but were not associated with the café. She indicated that the move from residential to commercial in the area had been quick.

Mrs Duncan showed Members a photograph of how the street looked 3 years ago.

Councillor Brown asked for confirmation that their biggest issue was with the earlier opening hours.

Objectors confirmed that it was the earlier opening hours and an evening if the bi-fold doors were going to be open as noise would not be contained. There were also thinking ahead as there were plans to extend the path and take away the parking which would make the outside area larger.

The Chairman sought clarification if the sale of alcohol would extend past 11.00 pm.

The Senior Licensing Officer responded that the Applicant were asking for an additional hour on a Thursday and 90 minutes on a Sunday and provided members with details of the opening hours of other premises in the area.

The Chairman asked if there were issues with anti-social behaviour.

Mrs Duncan responded that the club next door, most of the patrons were elderly.

Mr Duncan indicated that the Port of Call patrons stand outside against their wall.

The Applicant indicated they had recently refused entry to some people as they were not the type of customer they wanted to attract.

The Applicant then addressed the Sub-Committee and indicated that the reason for the extension on the morning was they had been approached to ask if they would open earlier so people could get a coffee to take to work and dog walkers wanting a coffee. They are currently in the premises early on a morning and they had a number of people asking if they were serving and it would be easy to turn on the coffee machine. Their neighbours opened at 8.00 am but it was not a problem if they wished to keep in line with their neighbours. The tables and chairs had rubber feet and were light so would not create much noise. He could not imagine that taxis would be pulling up that time in the morning.

They were very sympathetic to their neighbours and had tried to engage with as many as they could and had knocked on doors. They could currently serve alcohol until 11.00 pm but they closed at 11.00 pm. In line with the licensing objectives they were hoping to have drinking up time to allow patrons to disperse in a staggered period. The clientele they were targeting

was the 35 plus, he did not want to be open at 12.00 midnight and his target was a social drink in the late afternoon and early evening in nice surroundings. He did not intend to have specials like buy one get one free and their prices would not be the cheapest around to keep away a certain type of customer.

Councillor Blakey asked when they would stop serving food.

The Applicant responded that they would serve a reduced menu after 6.00 pm but they had only just opened so they were still learning but it was not a restaurant and they would be serving the likes of paninis.

Councillor Blakey then sought clarification on the use of the bi-fold doors.

The Applicant responded that they wanted to create a continental atmosphere and the doors would help with this and make the premises look bigger. They would take advantage of the doors during the day, but they would be closed by 8.00 pm and indicated that Harbour View had obtained planning approval for their bi-fold doors, they had submitted a planning application which was currently being considered.

The Council's Solicitor asked the Applicant to clarify if he was willing to amend the application to 8.00 am on the morning.

The Applicant confirmed that was the case.

Mr Duncan indicated that he was happy with the revised opening times, but they would still be disturbed by taxis for an extra 30 minutes on an evening.

The Applicant responded that he would contact local taxi firms and had a friend who was prepared to be a resident taxi, but other premises were open later who would require taxis.

Mr Duncan responded that the other premises did not impact on them as there were no residents in that area.

Dr Aylott indicated that the premises close, but residents have an extra 30 minutes of disturbance while patrons wait for taxis.

The Applicant responded that he did not envisage them getting much trade after 9.30/10.00 pm and they were not targeting the younger people and had priced them out.

The Senior Licensing Officer advised that the opening hours were not a licensable activity so they could serve tea/coffee without a premises licence.

Members asked if the music levels were an issue.

Residents indicated that if the doors were closed and it was background music then it was not so much of an issue but if the music was loud and the doors were open then the sound travelled straight up and was like an amphitheatre.

The Applicant advised that it would only be background music which would not be amplified as they wanted customers to be able to chatter.

All parties were asked to sum up.

Dr Aylott indicated that they had a good dialogue with the Applicant and was confident that any problems they could go direct to him which they did not have that option with the previous owner.

The Applicant indicated that he was new to this and had taken the whole thing seriously. He had done a lot of staff training and wanted to engage with residents who he saw as stakeholders, who he did not want to fall out with.

At 10.35 am the Sub-Committee retired to deliberate the application in private. After re-convening at 11.00 am 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' and written representation 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 for the variation of a premises licence be granted as follows:

Licensable Activities	Days and Hours
Sale by Retail of Alcohol (on and off sales only)	Thursday 11:00 hrs - 23:00 hrs Sunday 11:00 hrs – 22:30 hrs
Recorded Music (indoors)	Monday to Wednesday 11:00 hrs - 22:00 hrs Thursday to Sunday 11:00 hrs – 23:00 hrs Sunday 11:00 hrs – 22:30 hrs
Opening Hours	Monday to Wednesday 07:00 hrs – 22:30 hrs Thursday to Saturday 07:00 hrs – 23:30 hrs Sunday 07:00 hrs – 23:00 hrs

Cllr Blakey left the Meeting

K Robson (Senior Licensing Officer) left the Meeting

Y Raine (Senior Licensing Officer) joined the Meeting

5 Application for the Grant of a Premises Licence - Spice Island, 9 Market Place, Barnard Castle

Councillors C Hampson, P Atkinson and D Brown

The Committee considered the report of the Corporate Director of Regeneration and Local Services regarding an application for the Grant of a premises licence for Spice Island, 9 Market Place, Barnard Castle (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 there was already a Premises Licence in force at the premises, but a new application had been submitted so that the second floor of the building could also be utilised for the provision of licensable activities. The application was for the Sale of Alcohol for consumption on the premises, the provision of Indoor Recorded Music and the provision of Indoor Late Night Refreshments. Following mediation with Durham Constabulary the applicant agreed to amend the timings which were now from 07:00 hrs until 00:00 hrs Monday to Sunday, Bank Holidays and Sundays before a Bank Holiday with an extension of hours on Christmas Eve and New Year's Eve until 02:00 hrs.

Following Mediation with the Durham Safeguarding Children Partnership and Durham Constabulary, the applicant added additional conditions to the application, details of which were provided in the report.

One letter of support had been received from Barnard Castle Town Council and four objections to the application were received, one from a responsible authority namely Environmental Health and three from 'Other Persons'.

The Licensing Authority received comments not amounting to a representation from the Planning Authority.

Mr M Anslow, representing Environmental Health indicated that they did not have particular concerns in the granting of the premises licence it was the details of the ingress and egress through an external staircase which was in close proximity to residential properties. Even though the timings had been

reduced people would be using the alleyway to access the external staircase. There was no proposal for a lobby at the top of the staircase so there would be a breakout of music, with the nature of the alleyway raised voices would be heard and people would be smoking in the alleyway which also served residential properties. Environmental Health felt that the application did not meet the licensing objective for public nuisance.

Ms E Rowell, other person indicated that she was the leaseholder of the book shop which was adjacent to the premises and she had two stalls in the shared court yard which she was wanting to develop. She had not objected to the planning permission as she supported the business, but if the business was going to be used in the way the applicant wished it would be to a detriment to her business. She would not be able to extend her business as customers would need to walk through the alleyway which would become a smoking area. She was currently concerned by the level of rubbish associated with the premises which was left after service for her to clear up as her premises opened at 9.00 am. They also had to clear up vomit and they were concerned that this was going to increase. During construction she had to cancel some events due to noise and she had asked about some form of sound proofing as the property was a metre and a half from her bookshop. Music had been played by the contractors and she was worried if music was played in the area it would curtail her business. Her main concerns were noise, smoking and rubbish.

She then spoke on behalf of Mr Brummitt and Ms Henderson who shared a party wall and were worried about music and more noise as their bedroom adjoined the property.

Councillor Brown indicated that he understood there was a noise problem, but Barnard Castle was a vibrant market town and he could not see how noise was going to interfere with their business.

Ms Rowell indicated that only some of the residents made formal objections but people in the town were dissatisfied with the increase in noise. A meeting had recently taking place that Councillor Rowlandson was invited, and the concerns raised at the meeting were noise and rubbish which was a problem and would increase.

Members asked if the alleyway was shared.

Ms Rowell responded that the alleyway was 1.2m wide and was a shared area with mixed use. There was a stair case covering the alleyway and there was already a pot washing area in the alleyway.

Councillor Brown asked where the rubbish was stored.

Ms Rowell responded that rubbish was stored at the front of the property outside her shop and was there until the workers took it back inside at 5.00 pm. The rubbish was mostly food which meant that she was unable to use the seating area outside her shop due to the smells from the bins. Her staff also had to deal with detritus from smoking, she had spoken to the street cleaners, but this had made little impact.

Councillor Atkinson referred to other businesses also being responsible for litter.

Ms Rowell indicated that over the road from the Spice Island was residential properties and holiday cottages who had complained previously in relation to the extraction noise and some had decided to sell their properties. The area was small and was medieval yards.

Mr S Ahmed the Applicant indicated that he had recently had a meeting with the planning department, and they were revising the application to remove the external staircase as an access for customers due to how it could affect neighbours. He had been in business for 25 years and he wanted to make sure everyone had a decent living. They were planning on using the existing fire exit so the external staircase would not be required for customers so the alleyway would not be used by their customers.

The Council's Solicitor asked the Environmental Health Officer if the removal of the external staircase would change their opinion on the application.

The Environmental Health Officer responded that if the external escape was removed from the application then they would withdraw their representations.

The Applicant confirmed that the revised plans should be ready and submitted by Friday.

Ms Rowell responded that the area would still be used for smoking and an external seating area.

The Applicant indicated that they had no plans for a smoking area or external seating.

Councillor Ali gave a character reference for Mr Ahmed and indicated that the business had just won an award. The bins were left outside on the front as advised by the Council. The business had been established for 25 years and was a cocktail lounge and she often had charity events at the premises and never had any issues. If the license was granted for the revised times this would resolve the issues as staff would be in the premises earlier.

The Restaurant Manager indicated that they were trying to develop a new Indian concept with cocktails in a relaxed atmosphere. The premises would be a central kitchen to supply food and would employ 10 people.

The Applicant presented his case and indicated that he had been a DPS since the age of 20. He commented that it had been said that he would not be able to handle a late-night establishment, but he had managed bars and restaurants for 17 years, so was well equipped to handle the licensing hours. It was not a nightclub or pub but a restaurant with 40 or 50 seats with a lounge upstairs where people could wait for their table to be ready downstairs and have a cocktail or a coffee. It would be a relaxed atmosphere with no rowdiness as this was not their concept. There were several restaurants in the area with 3 floors and indicated that the problems in the vicinity were caused by late night clubs which they weren't, they were just asking for the opening times to be extended.

They wanted to extend their licence to midnight, and they were no complaints about their current licence or harm to children. They had a good record and were a responsible business. They wanted to give back to the community and wanted to employ more people which would be beneficial to the town. They bought local produce and the setting up of a hub would benefit everybody. They were trying to address as many concerns as they could as they did not want anyone to be affected. There was always going to be noise, but they had tried to reduce the impact and were sound proofing in excess of the expectations to ensure that everyone was happy.

Councillor Brown referred to the letter of support from the Town Council and asked what connection they had with the Town Council.

The Applicant responded that if they had any concerns, they would go to the town council. They had advised the Town Council of their proposal and asked their opinion and in this case, they supported their proposal.

Councillor Atkinson asked what provisions they had in place for smokers.

The Applicant indicated that they did not have a designated area for smoking so they could not control this.

The Council's Solicitor sought confirmation on the external staircase.

The Applicant responded that the initial plans had an external staircase, but new plans were to be submitted that removed the use of the external staircase which would be submitted on Friday.

At 11.45 am, the Council's Solicitor asked for the meeting to adjourn to allow Members to consider if they should proceed with the hearing in view of the revised plans.

The meeting re-convened at 11.55 am and the Chairman confirmed that they needed to determine the application on the revised plans.

Resolved: That the meeting be adjourned until the revised plans were submitted by the Applicant.

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DURHAM COUNTY COUNCIL

At a Special Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - County Hall, Durham on **Thursday 22 August 2019 at 10.00 am**

Present:

Councillor L Marshall (Chair)

Members of the Committee:

Councillors D Brown and D Hicks

Also Present:

C Hazell (Council's Solicitor)
K Robson (Senior Licensing Officer)
Mr Modammadi (Applicant)
Mrs Modammadi (Applicant)
Mr Modammadi Junior (Applicant)
Mrs Rai (Other Person)
Ms Temple (Other Person)

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Eco Supermarket, Unit 1 Old Co-op Buildings, Front Street, Langley Park, Co Durham

The Committee considered the report of the Senior Licensing Officer regarding an application for the grant of a premises licence in respect of Eco Supermarket, Unit 1 Old Co-op Buildings, Front Street, Langley Park (for copy of report, see file of minutes).

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

The Senior Licensing Officer stated that the application was for a new premises licence as the owner of the premises did not transfer the current licence within the prescribed 28 days.

The Applicant had provided 6 letters of support, all of which had been validated by the licensing authority.

During the consultation period 3 letters of representation had been received which included a petition. The Licensing Authority could not validate the petition as there were no addresses or telephone numbers to contact the individuals.

Durham Constabulary had mediated with the applicant within the consultation period and had agreed additional conditions. County Durham and Darlington Fire and Rescue Service, Durham Safeguarding Children Partnership, Durham County Council's Environmental Health Department and Durham County Council's Public Health Department had confirmed that they had no comments to make in relation to the application.

Councillor Brown referred to the location plan and sought clarification if the Front Street was an L shape. The Applicant confirmed that it was.

Mrs Rai, an other person addressed the Sub-Committee and indicated that since the Co-op store had closed, children asking for alcohol had stopped. She had personally witnessed children shoplifting from the Co-op store. Her shop was constantly targeted, and she had been accused of selling alcohol to children, but she assured the committee that the alcohol was not coming from her shop and she had the CCTV footage to prove this. Since the Co-op store had closed, she had not had to check her CCTV footage to prove to parents that she had not served alcohol to their children. She was happy for them to open a store but not with an alcohol licence.

Ms Temple, an objector indicated that she had heard parents blame Mrs Rai for serving alcohol to children, but she assured Members it was not Mrs Rai.

Mrs Rai indicated that she had been targeted by the Police even if they were carrying a Co-op bag, they would go to her shop first which was around the corner from the Co-op.

Ms Temple indicated that children hung around the back street as they could not be seen and targeted people to go into the Co-op to purchase alcohol for them.

The Chair asked Mrs Rai if she had an alcohol licence and that her objection was for the sale of alcohol and not the shop.

Mrs Rai confirmed that she had a licence to sell alcohol in her shop and was only objecting to the sale of alcohol and not the shop.

Councillor Brown asked how long Mrs Rai had been in business. She responded that she had operated the premises since 2008 and that she had taken over the shop from a previous owner.

Councillor Brown asked if the Co-op had been open during this period. Mrs Rai confirmed that the Co-op had been open.

In response to a question, Mrs Rai confirmed that children did not congregate outside her shop as there was nowhere to hide. She did not know where the children had gone since the Co-op closed and she had not recorded as many incidents in her refusal register. She also advised that the police had never visited her shop since the Co-op closed.

Councillor Brown asked if the surrounding areas were heavily populated with licensed premises.

Mrs Rai responded that the Spar and another Co-op had a licence and 2 pubs and 2 clubs so there was enough alcohol in the village as they did not need any more. The stores currently do not have price wars but if this licence was granted and offered special prices this could cause price wars and children would come back into the village to purchase alcohol.

Mrs Modammadi, the applicant addressed the Sub-Committee and indicated that the objections were based on the effect on their businesses rather than their proposal. They had adhered to all the requirements for the licence. They completed all the courses and made sure arrangements were in place for all the training, they had consulted with all the bodies and none had raised any objections to the application.

They had operated in the village for a long time, they had been asked not to open by other shop owners as it would impinge on their lifestyle. They had adhered to everything in the legislation and felt that the objections were vexatious because of their own business and were objecting for competition purposes. They were opening a supermarket as people in the village had asked them to. The Co-op had been in the village for over 100 years and residents wanted another supermarket rather than anything else.

They did take loitering concerns seriously and had adhered to all the requests and had installed extra cameras which covered all the entry and exits. They had complied with all licensing requirements and the shop had

been inspected by the Fire Officer and had been approved and everything was new.

Mr Modammadi indicated that they owned the building, so they had to do something with the building when the Co-op left. Older people had said that they could not walk down to the bottom of the village and would like a supermarket to re-open. The local police officer had advised him that there had not been a single report of anti-social behaviour around the Co-op in the last 5 years. A lot of residents were in support of the shop and 6 letters of support had been provided from people in the village. There was nothing in the objections against the licensing objectives.

They had planned to open the shop in early May but had been contacted by one of the objectors who had asked him to let him have the shop and he would let him have the pizza shop as he wanted to open a furniture shop. He had said no to this proposal as the supermarket had been in the village for 100 years and was what the residents wanted. Another objector had indicated that they would not be able to pay their mortgage, so the objections were about competition not the licensing objectives. He stated that the Co-op had been in the village before anyone else, so he did not know why they had to be penalised.

Mrs Modammadi indicated that they were trying to keep the village alive, they sponsored the local football team as it was important for them to give back to the community. The residents had asked for a supermarket, the Front Street runs 2 ways and there are a lot of bungalows whose residents can't walk that far to get to the other shops. She was willing to take on board anything suggested, authorities were happy with the proposal and she presented her case on the licensing objectives rather than competition.

Mr Modammadi Junior indicated that the application puts forward all the measures to fulfil the licensing objectives including public nuisance and the safeguarding of children. All responsible authorities had agreed to the application. He referred to the statement that the premises would affect businesses already in the village, but the Co-op had been there for 136 years, so was in existence when the objector's premises opened in the village. They had met the licensing objectives and the objections were vexatious.

In response to a question, the applicant confirmed that the premises were not open yet and the Co-op closed in March of this year and provided Members with the proposed opening hours of the premises.

The Senior Licensing Officer referred to the consultation period and advised that Durham Constabulary would have spoken to the local beat officer and would have raised objections if there were any issues in the area. She

advised Members that reference to too many shops in the area needed to be disregarded.

In summing up, Mrs Rai stated that the elderly went past her shop to get their pensions. Her premises had wheelchair access while Eco Supermarket didn't, her mortgage had nothing to do with her objection. She was concerned that she would be targeted by the police again should the licence be granted.

Mr Modammadi Junior responded that the police had suggested CCTV cameras and they had installed 2 instead of 1 just in case one was damaged. CCTV would also be in the alleyway next to the building and the front and back entrance. An incident log would also be kept, and CCTV footage would be provided if required at any time, so there would be recorded evidence, so they did not feel this was an issue.

Mr Modammadi stated that according to the police there had been no incidents in the last 5 years and the police had not objected to the application.

At 10.30 am the Sub-Committee **Resolved** to retire to deliberate the application in private.

After re-convening at 10.40 am the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer, the verbal and written representations of other persons and the Applicant. Members had also taken into account the Council's Statement of Licensing Policy and S182 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 Activities	Days and Hours
Sale by Retail of Alcohol (off sales only)	Monday to Sunday 08:00 hrs – 22:00 hrs
Opening Hours	Monday to Sunday 07:00 hrs – 22:00 hrs

Conditions mediated with Durham Constabulary

Prevention of Crime and Disorder

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

- b) 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.
- c) CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.
- d) Cameras shall encompass the inside and outside of all entrances and exits to the premises and rear yards, fire exits and all areas inside the premises where the sale/supply of alcohol occurs.
- e) Equipment must be maintained in good working order, be correctly time and date stamped and kept for a period of 28 days.
- f) The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable format, either disc, hard drive or memory stick to the police / local authority within an agreed timescale between officers and DPS / appointed person.
- g) 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.
- h) An operational weekly log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
- i) No alcohol to be situated adjacent to the main entrance / exit of the premises to prevent snatch and grab thefts.
- j) Spirits will be shelved behind the counter / till area.

The Protection of Children from Harm

- k) A proof of age policy in place for people under 25 years of age via the Challenge 25 scheme.
- l) The only forms of identification we will accept are a passport, a photo driving licence and 'PASS' hologram I.D.
- m) A refusal register will be kept and endorsed after every sale of alcohol and entry to premise refuse, this is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales).

DURHAM COUNTY COUNCIL

At a Special Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - County Hall, Durham on **Thursday 5 September 2019 at 10.00 am**

Present:

Members of the Committee:

Councillors D Brown, L Brown and C Hampson

Also Present:

Ms S Grigor (Solicitor)

Ms Y Raine (Licensing Officer)

Mr S Ahmed (Applicant)

Darlington BC Councillor Ali (on behalf of Applicant)

Mr M Anslow (Senior Environmental Health Officer)

Councillor C Hampson (in the Chair)

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Spice Island, 9 Market Place, Barnard Castle

The Committee considered the report of the Senior Licensing Officer regarding an application for the grant of a premises licence in respect of Spice Island, 9 Market Place, Barnard Castle (for copy of report, see file of minutes).

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

The premises already had a premises licence in place, but a new application had been submitted so that the second floor of the building could also be utilised for the provision of licensable activities and extend the licensing hours.

The application was considered at the Statutory Licensing Sub-Committee held on 16 July 2019 but during the meeting Mr Ahmed advised the Sub-Committee that he no longer intended the premises to have an external staircase accessible via the side alleyway and that revised plans were being prepared. Members agreed to adjourn determination of the application until such time as the Environmental Health Authority and all other persons making representations had been given the opportunity to consider the revised plans and provide an update response.

On 4 June 2019, the applicant amended the timing requested for licensable activities and the opening hours following mediation with Durham Constabulary.

Mediation had also taken place with the Durham Safeguarding Children Partnership.

Following mediation, the applicant had added additional conditions to the application.

Revised plans were submitted to the Licensing Authority on 23 July 2019 and copies were circulated to all persons making representations.

Additional information had been received from the Applicant and Other Persons which had been circulated to all parties prior to the meeting.

The Council's Environmental Health Department had responded that the removal of the external staircase had addressed their initial concerns and that they were now in a position to withdraw their representation.

Ms Rowell an Objector had indicated that the removal of the external staircase had addressed some of her concerns, but her objection remained. Ms Brown an Objector had indicated that her objection to the application remained.

Mr Anslow, Senior Environmental Health Officer, Durham County Council Environmental Health was in attendance and confirmed the removal of their objection.

The Applicant indicated that they had been in Barnard Castle for the last 25 years with no issues. They were active within the community from sponsorship to supporting the annual meat event in May. He felt that they

were an integral part of the community with a family fun restaurant. He had been a licence holder since the age of 18 and worked all over the north east as a bar and restaurant manager. He stated that he had a lot of experience in the licensing industry and was well equipped to deal with any issues. All staff would be heavily trained, and they had welcomed every condition asked for. He wanted the restaurant to be a safe environment for everyone. He referred to noise nuisance and anti-social behaviour and that the premises were located in the market place near a night club and public toilet so there was always going to be a congregation of people, they were not adding to this as they would be closed before the night club. They were a restaurant with a cocktail lounge on the second floor not a night club. They had worked with all parties including neighbours and had changed the plans to remove the external staircase and reduce the hours so that all parties were happy. He wanted to provide the best business he could for Barnard Castle.

Darlington BC, Councillor Ali, speaking on behalf of the Applicant indicated that she had spoken to staff at the premises and the manager's family had been going to the restaurant since he was 10 years old. There was a family community spirit around the business and was not about pollution or environment issues but giving back to the economic growth. There was a row of businesses in the Hight Street which were multi-cultural that was nice to have in a town. Staff at the premises were excited for the cocktail lounge and she could not see anything around the complaints that would be so detrimental to neighbours. The extension of the business would give back to Barnard Castle as jobs would be created. The feedback she had received from people she had spoken to was good and they had respected authorities when the works to the premises had been carried out.

Councillor L Brown sought clarification where the bins would be stored and if they had a smoking area.

The Applicant confirmed that the bins would be stored on their land to the rear of the property which would be emptied once a week. They had to drag the bins through the shared access onto the front on a night in readiness for the collection on the morning. They did not intend to have a designated smoking area but there were benches across the road which were on an open space. They did not want to promote smoking near their premises and there were no public smoking shelters in Barnard Castle. If they provided a canopy it would not just be there customers who would use it and they did not want a congregation of smokers.

Councillor L Brown asked about smoking in the alleyway.

The Applicant indicated that it was a private access, there was a gate, but this could not be locked as it was a shared access. They would not

encourage anyone to use the access and they would ask smokers to move across the road.

In Summing Up, the Applicant indicated that they had been in the process of redeveloping the business and had recruited in the local area. Their Manager and Chef were local, and they had increased their employment by 10 people and hoped to increase further with the cocktail lounge. They had plans to extend within Barnard Castle and 90% of their staff were from the area.

At 10.35 am the Sub-Committee retired to deliberate the application in private. After re-convening at 11.00 am 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 as follows:

Licensable Activities	Days & Hours
Supply of Alcohol (Consumption on the premises)	Monday to Sunday: 07:00 to 00:00 hrs. Bank Holidays and Sundays before a Bank Holiday: 07:00 to 00:00 hrs Christmas Eve and New Years Eve: 07:00 to 02:00 hrs
Recorded Music (Indoors)	Monday to Sunday: 07:00 to 00:00 hrs Bank Holiday and Sundays before a Bank Holiday: 07:00 to 00:00 hrs Christmas Eve and New Years Eve: 07:00 to 02:00 hrs
Late Night Refreshment (Indoors)	Monday to Sunday: 23:00 to 00:00 hrs. Bank Holidays and Sundays before a Bank Holiday: 23:00 to 00:00 hrs Christmas Eve and New Years Eve: 23:00 to 02:00 hrs

Proposed Opening Times	<p>Monday to Sunday: 07:00 to 00:00 hrs.</p> <p>Bank Holidays and Sundays before a Bank Holiday: 07:00 to 00:00 hrs</p> <p>Christmas Eve and New Years Eve: 07:00 hrs to 02:00 hrs</p>
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Conditions following Mediation:

- a) CCTV system will be installed and maintained in good working order and be correctly time and date stamped. The system will incorporate sufficient built in-hard drive capacity to suit the number of cameras installed.
- b) CCTV will be provided in the form of a recordable system, capable of providing pictures particularly facial recognition. Cameras shall encompass all entrances and exists to the premise, where the sale/supply of alcohol occurs.
- c) CCTV recordings will be kept for minimum of 28 days and stored in a secure place and can be provided to police and authorised officers of the Local Authority for inspection.
- d) The Licence Holder, DPS, Manager shall inspect and test the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.
- e) A Challenge 25 policy will be implemented with all staff insisting on evidence of age from any person appearing to be under 25 years of age and who is attempting to buy alcohol. There shall be notices displayed at prominent positions around the premises advising customers of the Proof of Age policy in force at the premises.
- f) All staff shall be trained in the Proof of Age policy and the only acceptable evidence of age will be a valid photo identification confirming the purchasers age, namely a passport, photo driving licence or PASS approved proof of age card such as a Validate card or Citizen Card. All refusals will be recorded in a refusals register.
- g) The premises shall employ a minimum of 2 SIA door supervisors to patrol internal and external areas of the premises when the premises is open after 00:00.
- h) All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the 2003 Act and conditions of the premises licence. Staff will be trained in how to identify drunk or drug impaired customers.

- i) Written training records are to be kept for every member of staff and endorsed after every training session. Training shall be repeated biannually and will be made available to police and authorised officers of the Licensing Authority on request.
- j) The premises licence holder is to undertake right to work checks on all staff who are employed at the licensed premise in a paid or unpaid capacity. A copy of any documents checked as part of the right to work check are to be retained at the licensed premises. These documents will be made available to officers and responsible authorities when requested.
- k) Children under the age of 18 will not be allowed entry to or remain on the premises after 22:00.
- l) The licence holder, designate premises supervisor or manager shall actively participate in any local Pub Watch or similar scheme and shall be a member of any local radio scheme that allows to contact other venues in the area.
- m) An incident record shall be kept on the premises, recording any incidents of disorder, seizure of drugs or offensive weapons, record of persons been ejected from the premises and issues with the CCTV system. This will be available for inspection by the police or an authorised officer of the Licensing Authority at all times the premises are open.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Tuesday 17 September 2019 at 10.00 am**

Present:

Councillor P Crathorne (Chair)

Members of the Committee:

Councillors L Brown, C Hampson and D Hicks

Also Present:

Councillor D Hicks

Mrs C Hazell (Council's Solicitor)

Ms H Johnson (Licensing Team Leader)

Mrs N Anderson (Licensing Enforcement Officer - Applicant)

Sgt C Dickinson (Durham Constabulary)

PSCO M Williams (Durham Constabulary)

Mr M Thornley (Immigration Officer)

Mr S Winship (Durham Safeguarding Children Partnership)

Mr and Mrs Khalid (Premises Licence Holder)

1 Apologies for Absence

Apologies for absence were received from Councillor M Wilson.

2 Substitute Members

There were no apologies for absence.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meetings held on 2 April 2019, 14 May 2019, 29 May 2019 and 5 July 2019 were agreed as a correct record and were signed by the Chair.

5 Application for the Review of a Premises Licence - Cookson Spice, Cookson House, Cookson Terrace, Chester-le-Street

The Committee considered the report of the Licensing Team Leader regarding an application to consider and determine an application by Durham County Council's Licensing Authority to review the premises licence in respect of Cookson Spice, Cookson House, Cookson Terrace, Chester-le-Street (for copy of report, see file of Minutes).

A copy of the application, location plan and supporting documentation had been circulated to Members.

The premises currently holds a premises licence that permits the sale of alcohol, the playing of recorded music and the provision of late night refreshments.

On the 11 July 2019, the Licensing Authority received an application to transfer the premises licence with immediate effect from Mr Jaman Uddin Ahmed to Mr Mohamed Khalid.

On the 12 July 2019, the Licensing Authority received a letter from Mr Jaman Uddin Ahmed requesting to be removed as the Designated Premises Supervisor (DPS). Mr Khalid had stated that the premises would not be used for any licensable activities.

During the Consultation period three representations had been received in support of the review application from Durham Constabulary, Home Office Immigration Enforcement Team and the Council's Durham Safeguarding Children Partnership.

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

There were no questions of the Officer.

Mrs N Anderson, the Licensing Enforcement Officer presented her report and advised Members that they had asked for a review of the premises licence due to a number of issues. The premises licence had recently transferred to the landlord of the property and the premises were not currently selling alcohol.

On the 18 September 2018 the premises licence was reviewed where Members agreed to add some additional conditions onto the premises licence. The review application had been submitted following an immigration visit in 2017.

On 23 May 2019 a joint visit had been made to the premises where immigration offences were identified and fundamental failings to comply with the premises licence conditions which undermined the licensing objectives.

The Licensing Enforcement Officer advised members that there was no Designate Premises Supervisor at the present time but if a DPS transfer application was submitted to the Licensing Authority then it could have immediate effect, so this would mean that they would be able to sell alcohol straight away.

The Council's Solicitor sought confirmation of who was interviewed in the investigation.

The Licensing Enforcement Officer confirmed that Mr Ahmed had been interviewed under caution and the licensing trainer to the business had been interviewed but not under caution.

Sgt Dickinson from Durham Constabulary was invited to address the Sub-Committee and indicated that they supported the application for the review of the premises licence.

This was the third time that the premises licence was visited by officers with illegal workers been arrested at the premises. The first occasion on the 3 March 2016 whereby one worker was arrested, the second visit on 18 November 2017 whereby four arrests were made and now the third occasion on 23 May 2019 whereby four males were encountered and three were arrested with the fourth being asked to leave the premises.

At the time of the immigration visit in May 2019 the Premises Licence Holder and the Designated Premises Supervisor were already in the process of paying a civil penalty of £37,000 which was the result of the previous immigration visit in November 2017.

Mr Ahmed had been the subject to a licensing review on the 18 September 2018 and eight months later they are subject to another review with illegal workers and breaches of the premises licence conditions.

Durham Constabulary had been provided with a letter from Mr Khalid advising that Mr Ahmed was to be removed as the DPS. Mr Ahmed was still working at Cookson Spice and was still in charge and answered questions of officers when they visited the premises.

No application had been made for a DPS and they would expect the landlord to intervene sooner than he did and had only intervened with the premises licence was in jeopardy.

The way Mr Ahmed had conducted himself since been given a second chance by the Statutory Licensing Sub-Committee to improve showed that he had a total disregard for the Licensing Act and the promotion of the licensing objectives and continued to exploit people for profit.

Following a question from Councillor Brown, PCSO Williamson confirmed that no alcohol was being sold by the premises, but they had not asked about training.

Mr Winship, Durham Safeguarding Children Partnership confirmed they supported the review of the premises licence and had concerns of the protection of children and young people from harm.

Councillor Brown asked if the refusal register was available during the visit to the premises.

The Licensing Enforcement Officer responded that the refusal register was not available when they visited the premises.

Mr Thornley, Acting Chief Immigration Officer addressed the Sub-Committee and indicated that Cookson Spice was not a stranger to immigration, and they had made significant arrests from the premises. Three immigration offenders had been arrested and a further immigration offender asked to leave the premises as he held no right to employment.

Out of the three arrested, two were served immigration paperwork as having worked in breach of their visa conditions and were removed from the United Kingdom to India and Nigeria respectively. The third male a Bangladeshi National who had previously been served immigration paperwork as having overstayed his visa had since claimed asylum and was currently on immigration bail. No penalty had been imposed on the business for these immigration issues due to the evasive nature of the illegal workers that were found.

He then referred to the documentation found at the premises that was piecemeal and unacceptable and of poor quality. He suggested that if any further conditions were imposed by the Sub-Committee then these would only be ignored as Mr Ahmed had already failed to comply with the licensing conditions that were imposed at the last review hearing and the landlord was not taking matters seriously.

He then stated that employing illegal worker was very serious and it negatively impacted on the wages of lawful workers. Employers had an important role to play to ensure that they did checks to ensure that they did not employ illegal workers.

Immigration had visited the premises three times and on the second visit a fine had been implemented and the conditions from the last review had been forgotten or ignored and they had failed the licensing objectives.

In response to questions, Mr Thornley advised that the civil penalty notice was being paid piecemeal and that no action was taken from the third visit and two persons were removed from the United Kingdom.

Mr Khalid, the Landlord was invited to address the Sub-Committee and stated that the property was refurbished and put onto the open market to be leased. A lease was granted to Mr Ahmed on the 18 March 2011 for a period of 21 years and had been in the premises for eight years and they could not interfere in the running of their business.

He originally held the premises licence which was transferred to Mr Ahmed on 18 March 2011 and the leaseholder had failed to inform him what was going on and he learnt of the issues from a third party. Upon finding out about the illegal workers he asked Mr Ahmed to surrender as DPS and that no licensable activities could take place at the premises.

He then informed the Sub-Committee that he was currently taking legal advice on the lease for the premises and he assured Members that no licensing activities would take place at the premises. If any activities took place, he would immediately inform the authorities.

Councillor Hicks asked if they had the lease until 2032.

Mr Khalid advised that this was the case, but they were taking legal advice on reviewing the lease.

Councillor Brown referred to the lease given to Mr Ahmed in 2011 and sought clarification on Admiral Taverns.

Mr Khalid advised that he had bought the property from Admiral Taverns and was transferred to his daughter then transferred to the leaseholder.

Councillor Brown referred to Companies House and the business Cookson Spice was now an incorporated company as of the 29 August 2019 with the Director being Rahima Akthar.

Mr Khalid responded that he did not know this but would investigate it further.

The Council's Solicitor asked Mr Khalid how he would ensure checks were made and when did he intend to make a decision on the review of the lease.

Mr Khalid responded that he would visit the premises twice a week and was taking legal advice on the lease as it had been breached.

The Council's Solicitor then asked Mr Khalid when he had been made aware of the September 2018 proceedings and by whom.

Mr Khalid indicated that he was not made aware of these proceeding until quite late by Mr Ahmed's solicitor after proceedings had taken place. He advised him that the licence had been reviewed and further conditions had been added to the premises licence.

He advised Members that they had a portfolio of properties and they expected them to abide by the rules and regulation as they could not check who they employed and was not the responsibility of the landlord.

Councillor Crathorne asked what they intended to do if they were unable to terminate the lease.

Mr Khalid stated that they would ensure that no alcohol was been sold at the premises.

Councillor Crathorne indicated that it was not just about the sale of alcohol, illegal workers were also an issue and how was he going to ensure that this would not happen again.

Mr Khalid responded that he would terminate the lease immediately.

Councillor Crathorne stated that the premises were in front of the Sub-Committee in 2018 and asked what had been put in place following the hearing.

Mr Khalid indicated that he had been assured that the premises were keeping records of all employees and had physically been shown the records. He would keep a close eye on him, and he had confronted him a few days ago about the third visit by immigration and he showed him the no action and no civil penalties notices.

Mr Thornley stated that no civil action had been taken but two immigration offenders had been deported from the UK.

Councillor Hicks asked if the business would be viable without a premises licence.

Mr Khalid indicated that he did not think that the business would be very successful without being able to sell alcohol.

Sgt Dickinson stated that previously Mr Khalid indicated that he could not interfere in the business as landlord but was now saying he would.

Mr Khalid responded that he was now the Premises Licence Holder.

Following a no of questions from Sgt Dickinson, Mr Khalid indicated that he had a number of premises under his portfolio, the majority of which were commercial, but one was a licensed premises. He lived in the Newcastle area so had not had sight of the press release following the immigration raid.

In Summing up, Mrs Anderson indicated that although the premises were not serving alcohol, they were still able to remain open until midnight to serve hot food. The Licensing Authority still had concerns as illegal workers were found in the kitchen.

Mr Khalid advised that he had given Mr Ahmed a notice to advise that he was unable to serve food after 11.00 pm or play music.

Mr Thornley indicated the Mr Ahmed had been giving a warning last time and told to keep adequate records. When they conducted the latest visit with licensing, they thought it would be five minutes but was two to three hours dealing with four offenders. He did not believe that the licence holder would have any input into how the premises were run and believed revocation was the only way forward.

Sgt Dickinson confirmed what Mr Thornley had stated that although the licence had been changed into the name of Mr Khalid, they had no confidence that there would be any change in how the business would be run.

Mr Khalid gave an undertaken that he would keep a close eye on the premises and anything out of order he would report to authorities immediately.

At 10.45 am the Sub-Committee Resolved to retire to deliberate the application in private.

After re-convening at 11.05 am the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee considered the report of the Licensing Team Leader, the verbal and written representations of the Applicant, Responsible Authorities and the Premise Licence Holder. Members had also taken into account the Council's Statement of Licensing Policy and S182 Guidance issued by the Secretary of State.

Resolved: That the Premises Licence for Cookson Spice be revoked.

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2 - County Hall, Durham on **Tuesday 1 October 2019 at 10.00 am**

Present:

Councillor L Marshall (Chair)

Members of the Committee:

Councillors P Atkinson and D Brown

1 Apologies

Apologies for absence were received from Councillors Blakey and 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 meeting held on 9 April 2019 were agreed as a correct record and signed by the Chair.

5 Application for the Review of a Premises Licence - Happy Shopper, New Front Street, Tanfield Lea, Stanley

The Sub-Committee considered a report of the Corporate Director of Regeneration and Local Services with regards to an application to review the premises licence in respect of Happy Shopper, New Front Street, Tanfield Lea, Stanley (for copy see file of minutes).

The Trading Standards Manager addressed the Sub-Committee and confirmed that the basis of the review were in relation to the licensing objectives;

- The protection of children from harm
- The prevention of crime and disorder

The Local Weights and Measures Authority had concerns following two failed test purchases in December 2018. Mrs Kaur, who had been responsible for both unchallenged sales to under 18's had been in business for 30 years and was the Premises Licence Holder and Designated Premises Supervisor. On further investigation of the premises, it was found to have no records of staff training and they were found to be operating Challenge 18 rather than Challenge 25. During the interview Mrs Kaur had stated the young person looked 16 and it was alleged that she was distracted at the time of the failed TP's due to concerns about her father's health. Although some time had lapsed and some steps had been taken to address various issues, the Trading Standards Manager remained concerned for the failure to uphold two of the licensing objectives.

Councillor Brown queried the reason for the test purchase taking place in December 2018 despite the fact that intelligence had been received in April that year. He also asked why the Review was being applied for ten months after a failed test purchase. The Trading Standards Manager confirmed that test purchases were required to be authorised by RIPA and therefore according to the Councils Policy, significant intelligence was required for multiple premises before applying. Due to staffing, there were some additional delays. Councillor Brown confirmed that the delay in bringing the application to the Sub-Committee was unsatisfactory. The Trading Standards Manager apologised for the delay and assured Members that the matter of timing had been addressed internally.

In response to a question from the Councils Solicitor, the Trading Standards Manager confirmed that intelligence received related specifically to the premises and no further reports had been received since the test purchase.

The Public Health Practitioner addressed the level of harm alcohol had on health and confirmed that it could affect the brain and physical development of young people, it increased risk taking behaviour, and due to inefficient metabolism, they were at greater risk of alcohol poisoning. He confirmed that County Durham had a higher than average level of hospital admissions of young people under the influence of alcohol and considering the test purchase had been failed by the PLH who also held the role as DPS, he had no confidence that this premises could be considered responsible for the sale of alcohol.

On behalf of Durham Constabulary PCSO Williamson confirmed that the police supported the application. Sergeant Adams confirmed that Stanley suffered from a lot of bad press due to antisocial behaviour and alcohol fuelled disorder. Breaches of the licensing objectives undermined the work by PACT to divert youths from this type of behaviour.

In response to a question from Councillor Bell, Sgt Adams confirmed that it was difficult to pin point a particular area in which crime related disorder had taken place, but it was centred around a geographical area which was close to the premises.

Mr M Foster, addressed the Sub-Committee on behalf of the PLH and DPS, Mrs Mehat, who did not dispute her mistake. He confirmed that at the time of the failed test purchases, Mrs Mehat's father had been given a health diagnosis which had affected her concentration. She was using an out of date policy – challenge 18, which was rarely heard of, and she had never been on a Premises Licence course.

Mr Foster explained that under the new Licensing Act 2003, Mrs Mehat had been able to convert to a Premises Licence under her previous terms and without having to hold the Personal Licence qualification. In the absence of any known issues, there was no reason to provide any further update to the Licensing Authority.

Mr Foster confirmed that formal licensing training had subsequently been delivered, the premises was operating a Challenge 25 policy and Mrs Mehat's concentration had improved since her family issues. Mrs Mehat had operated the premises for 20 years with no issues prior to the test purchase failures. If the premises had been operating at Challenge 25 it would have provided a much bigger buffer and Mrs Mehat would have been unlikely to have failed the test purchases.

Mr Foster confirmed that action had been taken which included;

- Comprehensive training had been undertaken by all staff and logged and recorded
- Modern colour CCTV had been installed
- A commitment to install EPOS which scanned products and identified age restricted products
- Serve Legal - test purchases were carried out over a contracted period by young people over 18, who did not look 25
- Application for new DPS
- Revised conditions – to include CCTV, incident/refusals log, refresher training every six months for all staff, installation of EPOS, and Serve Legal test purchases for a minimum of six months

Councillor Bell asked for information with regards to the regularity of Serve Legal and Mr Foster confirmed that they would carry out as many as requested but on this occasion it had been agreed for them to do 6 over 12 months. They were random test purchases, of which three had been successfully carried out.

Mr T Robson, Licensing Consultant, agreed that the sale of alcohol to underage young people was unsatisfactory. He confirmed that he had attended the premises and carried out a full risk assessment in September and noted a new, high quality CCTV system with 10 cameras inside and 3 outside of the premises, giving a good view for proxy sales. The alcohol was placed well and the cashier had a good view. The small cans of spirits and mixer were placed in a refrigerator next to the till and spirits and cigarettes were placed behind the counter. A refusals register was produced during the visit, however the last visit was around four weeks previously, although it was explained that challenges had been made and satisfactory identification produced, this was not recorded in the register.

Mr Robson went on to confirm that at the time the premises was operating a Challenge 18 policy which was wholly unacceptable and immediately updated to Challenge 25 – posters were put up during the visit. The training delivered covered suitable identification and how to identify fake identification.

Mr Robson confirmed that there were ongoing issues in the Stanley area and he was aware that people having purchased alcohol could go on to commit an act of crime but the premises would actively deter drunkenness. There were other products in store which had been marked up with age restrictions.

Mr Robson confirmed that he believed the policies in store were concise and the proposed change in DPS would allow Mrs Mehat's son, Rishi Mehat to take responsibility of the business. Mr Mehat had passed the higher level course and was a good operator with a business background and he was intent on making the premises work better.

In relation to Serve Legal, Mr Robson explained that this was an independent body which clients, especially large retailers, used to carry out test purchases in order to monitor their internal procedures. Although they were unable to send in persons under the age of 18, they did use people who looked young in order to test the Challenge 25 policy. They were asked to buy age restricted products and if they were unchallenged they would fail the test purchase.

Mr Foster confirmed that Mr Mehat had applied to become the new DPS and gave an overview of his background in business. He was committed to the family business and planned to manage the premises. He would ensure that policies were adhered to and he was committed to maintaining a good relationship with the police.

With regards to the viability of the store, Mr Foster confirmed that 50% of the stores transactions were sales of alcohol. The business would not be sustainable without the sale of alcohol and it was envisaged that the store

would lose other sales as people tended to buy other groceries when purchasing alcohol.

Mr Mehat addressed the Sub-Committee and confirmed that he understood the seriousness of the failed test purchases, however he put this down to his Mother's state of mind at the time. He had extensive business training and experience and intended to use it to improve the business. Staff would be trained regularly – at least once per year and improvements such as the introduction of an EPOS system would be installed promptly. Mr Mehat was collecting data to determine which system would work better for the business s he wanted to ensure that he could identify and collate data, such as recording individual members of staff when asking for identification.

PCSO Williamson referred to the CCTV footage and had concerns if only limited members of staff were able to download and provide it. The police would need to be satisfied that they were able to access it in a timely manner. Mr Foster had concerns should all staff be able to access the CCTV as this also acted as a safeguarding measure with regards to staff. Mr Mehat confirmed that himself and both parents would be able to access it.

With regards to EPOS, Mr Foster confirmed that this would be installed in a matter of weeks, but he explained that it was difficult to identify which would be best suited to this business as most of the information when purchasing the system were focused on sales and the improvement of business, but this was not what Mr Mehat intended to use the system for and he was awaiting more details from providers to ensure the correct system was installed. Mr Foster confirmed that the Sub-Committee could insert a date into the suggested condition to install EPOS.

Mrs Mehat gave assurances that should the licence be retained, there would be no repeat incidents. Also should the licence be retained, Mr Mehat would apply for DPS later that day.

Resolved:

To impose the following conditions on the licence which shall be attached to Annex 3 of the premises licence:

- 1) A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing Authority and in consultation with Durham Constabulary. Such a system shall:
 - i) Be operated by property trained staff;
 - ii) Be in operation at all times that the premise is being used for a licensable activity
 - iii) Ensure coverage of public entrances and exits to the licensed

- premises, internally and externally;
 - iv) Ensure coverage of such other areas as may be required by the Licensing Authority and Durham Constabulary;
 - vi) Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained on a hard drive for a period of 28 days and shall be supplied to a Responsible Authority or Police Officer within an agreed timescale between officers and DPS/appointed person;
 - vii) The recording equipment and discs/memory sticks shall be kept in a secure environment under the control of the DPS or another responsible named individual;
 - viii) An operational monthly log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
- 2) All members of staff at the premises shall seek “accredited photographic proof of age evidence” from any person who appears to be under the age of 25 years and who is seeking to purchase an age restricted product. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence or proof of age card carrying a “PASS” logo. There will be displayed in the premises sufficient signage to ensure people are aware of the policy.
 - 3) An incident and refusals book shall be kept at the premises which is utilised and maintained at all times. This book will be available to the Police or local authority on request.
 - 4) Initial staff training to be carried out by the DPS, and approved member of staff or an external supplier. That training is to ensure no age restricted product is sold to anyone underage, to be operated in accordance with Challenge 25 and addresses proxy sales. The training is to be refreshed every 6 months. Such training is to be documented and will be available to the Police or an officer from a Responsible Authority.
 - 5) Training records to be kept for every member of staff and endorsed after every training session. The records will be available to the Police or an authorised officer from a Responsible Authority.
 - 6) The premises will install an EPOS terminal at the premises, which will include age prompts for age restricted products; the design and model

of such terminal to be provided to Durham County Council's Trading Standards Team within the next 28 days.

- 7) As part of the premises ongoing due diligence Serve Legal, or a business offering a similar service, will be employed by the premises for a period of 12 months from September 2019 to carry out 'test purchases' involving over 18's to challenge and test the premises age restricted policies in line with Challenge 25. Such tests will be carried out at least 6 times during this period. Results of those test purchases will be shared with the Licensing Authority via email and all information will be provided, within fourteen days, upon request.

6 Application for the Grant of a Premises Licence - Shergill Stores, 80 Front Street, Sherburn

The Sub-Committee considered a report of the Corporate Director of Regeneration and Local Services with regards to an application for the grant of a Premises Licence at Shergill Stores, 80 Front Street, Sherburn (for copy see file of minutes).

The Senior Licensing Officer presented the report and confirmed that the Applicant had an existing PL for Shergill Stores at 24 Front Street, Sherburn, which he intended to surrender should the application be successful.

PCSO Williamson confirmed that following a mediated application with Durham Constabulary, intelligence led test purchasing was carried out at the current licenced premises which resulted in a failed test purchase. Durham Constabulary therefore had no confidence and having failed to meet the licensing objectives, they objected to the application on the grounds of the failure to protect children from harm.

PCSO Williamson confirmed that the police had received a number of calls over a three-month period alleging that the store was selling alcohol to children. On visiting the store, PCSO Williamson was assured that only Mr Singh and his wife worked at the store and both operated a Challenge 25 policy. The refusals register seemed in order, however on 30 August, a fifteen year old child volunteer purchased alcohol during the test purchase.

In response to questions from the Councils Solicitor, PCSO Williamson confirmed that she could not confirm whether there were multiple sources of intelligence. She confirmed that another call had been received within the two weeks leading up to the hearing, although she could not confirm the legitimacy. Mr Singh assumed that the call could only have been from a competitor.

Mr Singh confirmed that his wife had failed the test purchase and this was an emotional time for her, which had resulted in an error of judgement. Mrs Singh had held her hands up and admitted her mistake and he confirmed that she had worked in a store prior to this with no issue. She apologised and confirmed that she had completed training to ensure that she would not make any more mistakes.

In relation to the premises at no. 24 Front Street, Mr Singh confirmed that it would be leased out with an option to purchase, however there would be a clause included in the agreement of any sale that would ensure this would not revert to a licensed premises. The reason for the move was that there was a distinct lack of parking at the current premises and it was smaller.

Resolved:

The Sub-Committee considered the application and determined, having regard to the licensing objectives, that the licence application should be granted.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in County Hall, Durham on **Tuesday 8 October 2019 at 10.00 am**

Present:

Councillor C Carr (Chair)

Members of the Committee:

Councillors C Hampson and M Wilson

Also Present:

Councillor Liz Brown

Yvonne Raine – Senior Licensing Officer

Stephen Buston – Solicitor, DCC

Sgt Caroline Dickenson – Durham Constabulary

PCSO Michelle Williamson – Durham Constabulary

Mr Eshan Teymouri – Applicant

Mr Tim Robson – TJR Licensing, on behalf of the Applicant

Councillor Derek Hicks – other person

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Variation of a Premises Licence - Derwentside Pizza, 29 Front Street, Consett

The application was withdrawn.

5 Application for the Variation of a Premises Licence - Golden Pizza, 40 Front Street, Consett

The Committee considered a report of the Corporate Director of Regeneration and Local Services which asked the Sub-Committee to consider an application for the variation of a Premises Licence in respect of Golden Pizza, 40 Front Street, Consett (for copy see file of Minutes).

A copy of the application and supporting documentation had been circulated to Members.

Yvonne Raine, Senior Licensing Officer presented the report and following questions advised that the premises currently held a late night refreshment licence on the day of each Bank Holiday. The Premises Licence had been granted by Durham County Council in 2013.

Sgt Caroline Dickenson addressed the Sub-Committee in objection to the application on the grounds of the licensing objectives of crime and disorder and public safety. Golden Pizza was located on Front Street, an area with a high density of late night drinking and refreshment premises. There were 16 licensed premises in the locality. Between 1 November 2018 and 16 July 2019 there had been 63 offences of assault ranging from common assault and battery up to the most serious offences where significant life changing injuries had been inflicted. The greatest proportion of these offences took place between 19.00 hours and 04.00 hours and a large number of these were tagged with an alcohol marker.

There was a culture of late night drinking in Consett and the Police believed that granting a late night licence to 05.00 hours would hold people on the street for longer.

The Framework Hours in the DCC Statement of Licensing Policy were 01.00 hours during the week and 02.00 hours on a weekend. As the premises was only required to be licensed between 23.00 hours and 05.00 hours, they were effectively permitted to operate 24 hours. This would impact upon local residents. The night time economy would clash with the daytime economy. This would raise issues of public safety as road users started to mix with late night revellers.

The Licence Holder had applied for planning permission in 2012 which had been granted with a condition which stipulated that the premises should not be open outside the hours of 11am to 02.30am Monday to Saturday and 11.00 hours to 01.00 hours on Sundays. The Local Planning Authority in their representations had requested that the applicant be advised to contact the Planning Department to discuss, Sgt Dickenson advised that to date Mr Teymouri had not made contact.

The Officer considered that this showed a disregard of the need for planning permission which had previously been refused for 04.00am due to the impact on residents.

Following a question from Councillor Carr, Sgt Dickenson advised that Golden Pizza had not been the subject of a test purchase at the time when other premises in the area were tested as it was closed.

Councillor Hicks addressed the Sub-Committee on behalf of local residents against the application. The Councillor stated that residents were already troubled with noise disturbance and light pollution. The Police did not have the additional manpower needed if the additional hours were granted. Most residents in the locality worked or were carers. There would also be an impact on resources for street cleaning.

The Member read out a statement from Councillor Watson who had apologised for not being present. The Councillor received regular complaints about food waste and litter in the streets. An extension to the hours would exacerbate an already serious problem. He strongly objected to the application.

Tim Robson addressed the Sub-Committee on behalf of Mr Teymouri. He explained that he was aware of the issues in Consett, but stated that Mr Teymouri always closed his premises on time; other premises had not and had failed test purchases.

Addressing the representations of the Police Mr Robson noted that the incidents of assault, crime and disorder and anti-social behaviour were fuelled by alcohol, and that although Mr Teymouri did not sell alcohol individuals visiting his shop could be affected by it. However there was no evidence that the assaults emanated from Golden Pizza and the application should be looked at on its own individual merit.

Mr Teymouri had never operated 24 hours and had opened at 11am on one occasion because of a local event. He normally opened the premises at 5pm. There were other premises in Consett that were open longer than the hours requested by Golden Pizza.

Mr Robson continued that the body diffused alcohol differently in the early hours of the morning. The consumption of food ancillary to alcohol reduced the impact of alcohol on the body, and also less noise was created when food was being consumed. Whilst he understood the concerns of residents expressed by Councillor Hicks and Watson, there was no evidence to support that there would be an increase in disturbance or disorder if the application was granted.

Environmental Health Officers, who were part of the consultation with the Nuisance Action Team, had not made representation.

Public Health and Durham LSCB had not made representation. Under 16s would not be allowed in the premises after 22.00 hours unless accompanied by an adult.

The premises was covered by 18 CCTV cameras, 6 of which were positioned outside giving excellent coverage and scope.

Options available to the Sub-Committee included the addition of conditions or amendment of hours. Mr Teymouri sought a licence until 05.00 hours but would accept 04.00 hours if deemed necessary, however he reminded Members that he always closed on time and abided by the law. His staff were well-trained and over 18. Consett would benefit by the shop being open until this time, and was not the first premises to open until 05.00 hours. He urged Members to deal with the application on its individual merits.

Mr Teymouri added that he would provide CCTV footage to the Police and Licensing Authority when requested. The nightclub was open until 04.00 hours.

Councillor Carr asked why Mr Teymouri had not made contact with the Planning Department. Mr Robson stated that although he could not explain why this had not been pursued by his Agent, Mr Teymouri now appreciated that a planning application was required to vary existing conditions.

Following a further question from the Member, Mr Teymouri advised that he employed a Manager but he was present to open and close the shop at all times, with the exception of one week per year when he was on holiday.

Councillor Carr asked why Mr Teymouri had requested 05.00 hours on Thursday and Sundays. Mr Robson explained that licensed premises in the area were open until 04.30am but that a terminal hour of 01.00 hours on these days would be accepted if deemed necessary.

Sgt Dickenson noted that the current licence stated that CCTV footage would be retained for 31 days, yet the application stated 28 days. She also noted that the existing Premises Licence discouraged unaccompanied children in the premises at all times.

Mr Robson advised that in respect of CCTV footage the Applicant would be willing to amend the application in line with the current licence. With regard to children, he explained that the culture had changed and children stayed out later. In addition the theatre was nearby and as Christmas approached

pantomimes would attract a younger element later in the evening. The Applicant wished to cater for this by allowing children under the age of 16 in the shop after 10pm if they were accompanied by an adult. Mr Robson made the point that any person over 16 could legally enter premises which sold alcohol and purchase soft drinks. This was a fast food establishment and what was requested was reasonable. The application would modernise the business to accommodate changes in the environment and culture.

Sgt Dickenson asked why reference had not been made to the proposed changes to existing conditions within the application at page 63 of the Bundle. Mr Robson explained that the application form asked for a brief description, and the conditions were listed later on the form. The Senior Licensing Officer confirmed that the application form requested a brief description but that it was usual for the applicant to highlight changes to existing conditions or additional conditions.

Councillor Hicks stated that he had listened to the arguments of Mr Robson but he remained concerned for residents who had said that they were unable to get their rest at night. Food may be help to reduce noise but this added to the problems of litter in the street.

Councillor Carr asked if the licence holder litter-picked. Mr Teymouri confirmed that he and his staff kept his premises clean and well looked after. He picked litter to the rear and in front of his shop and added that not all litter in the area was from his premises but from other takeaways in the locality.

At 10.55am the Sub-Committee **resolved** to retire to deliberate the application in private. After re-convening at 11.25am 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, the written representations of Responsible Authorities and the verbal representations of the Applicant and Mr Robson, Sgt Dickenson and Councillor Hicks who also spoke on behalf of Councillor Watson. Member had also taken into account the Council's Statement of Licensing Policy and the Section 182 Guidance issued by the Secretary of State.

Resolved:

That the application to vary the Premises Licence be granted in part and subject to conditions as follows:

Activity	Days & Hours	
Opening Hours	Sunday to Thursday Friday to Saturday	12.00 to 01.00 hours 12.00 to 02.30 hours
Late night refreshment (including delivery service)	Sunday to Thursday Friday to Saturday	12.00 to 01.00 hours 12.00 to 02.30 hours

The prevention of crime and disorder

- 1) CCTV cameras shall encompass the inside and outside of the main entrance and exit to the premises and any place inside the premises where members of the public have access.
- 2) CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions and kept for 28 days.
- 3) The Premise Licence Holder must ensure at all times an appointed member of staff is capable and competent at downloading CCTV footage onto hard drive or memory stick provided to the police/local authority within a reasonable timescale agreed between the Officer and appointed person.
- 4) Equipment must be maintained in good working order, be correctly time and date stamped.
- 5) The CCTV system will incorporate a battery backup system to enable 24-hour continuous recording in case any power blackout/failure.
- 6) The recording equipment and discs/memory sticks shall be kept in a secure environment under the control of the appointed named individual.
- 7) An operational weekly log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant; in the event of any failings actions taken are to be recorded.
- 8) The Premise Licence Holder is to undertake right-to-work checks on all staff who are employed at the licensed premise in a paid or unpaid capacity. A copy of any documents checked as part of the right to work check are to be retained at the licenced premises.

These documents will be made available to officers and responsible authorities when requested.

- 9) If deliveries are to be made, then all persons delivering products from the premises must have the correct insurance for their vehicle which includes 'hire & reward'. The premises will ensure that these documents are provided and checked before employment commences, held on site at all times the premises are open for business and made available to Durham Constabulary and Relevant Authorities on request.

Public Safety

- 10) Fire exits and fire equipment clearly marked.
- 11) All staff must be aware of requirements regarding health and safety.
- 12) First aid facilities will be available.
- 13) An incident log will be kept at all times.
- 14) The Premise Licence Holder will ensure delivery drivers and staff will adhere to all parking restrictions in the area i.e. no waiting on yellow line during permitted times or no parking in disabled bays unless a valid badge holder is with the vehicle.
- 15) A rubbish bin will be located just inside the doorway of the premises for the use of customers.
- 16) Staff will carry out regular checks outside the premises during opening hours and immediately after closing to ensure rubbish relating to the premises is not accumulating. Any rubbish found will be cleared away.

The protection of children from harm

- 17) No children under 16 years will be allowed on the premises between 22.00hrs and closing time if they are not accompanied by an adult.

6 Application for the Variation of a Premises Licence - Consett Kebab, 66 Front Street, Consett

The application was withdrawn.

7 Application for the Variation of a Premises Licence - Supreme Takeaway, 40a Front Street, Consett

The application was withdrawn.

Statutory Licensing Sub-Committee

26th November 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: Bishop Auckland Town

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for 17 Chester Street, Bishop Auckland, Co Durham DL14 7LP.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application requests the granting of a Premises Licence for a new establishment and was submitted to the Licensing Authority on 23rd September 2019 by Mr David Garnett of Bishop Brewing Limited.
- 4 The initial application was for the Sale of Alcohol Monday to Sunday 08:00 hrs until 00:00 hrs with an extension until 01:00 hrs between 1st June to 30th September for Kynren and Good Friday, plus one hour for all other bank holidays, an additional hour to be added to the terminal hour of the day preceding a bank holiday.
- 5 Since the application was submitted the applicant has mediated with Durham County Council Environmental Health Department and amended the application as follows:

Sale of Alcohol (off sales) Monday to Sunday 08:00 hrs until 23:00 hrs
Sale of Alcohol (on sales) Monday to Sunday 10:00 hrs until 23:00 hrs
Removal of the extension for sale of alcohol until 01:00 hrs for Kynren
between 1st June to 30th September.

- 6 Durham Constabulary, Durham County Council Public Health, Durham Safeguarding Children Partnership and County Durham and Darlington Fire Safety Authority have all responded to the consultation with no comments.
- 7 Durham County Council Planning Authority responded to the consultation with no representation. This information in relation to planning permission was forwarded to the applicant.

The licensing authority received six letters in opposition to the application from 'other persons', namely Mr Brown, Mr Hallam, Mr Tranter, Mr Dobson, Mr & Mrs Singlewood and Bishop Auckland Town Council.

Recommendation(s)

- 8 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 9 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

- 10 Background information

Applicant	Mr David Garnett	
Type of Application: Grant of a premises licence	Date received: 23rd September 2019	Consultation ended: 29th October 2019

Details of the application

- 11 An application for the grant of a premises licence was received by the Licensing Authority on 23rd September 2019. A copy of the application is attached at Appendix 3.

- 12 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 13 The activities requested are now as follows:

Licensable Activities	Days & Hours
Sale of Alcohol (consumption on the premises)	Monday to Sunday 10:00 hrs – 23:00 hrs
Sale of Alcohol (off the premises)	Monday to Sunday 08:00 hrs – 23:00 hrs Good Friday until 01:00 hrs One additional hour for be added to the terminal hour of the day preceding the bank holiday
Proposed Opening Times	Monday to Sunday 08:00hrs – 00:00 hrs

- 14 The applicant has proposed conditions and the steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application form.
- 15 On 10th October 2019, following mediation with Durham County Council Environmental Health, the applicant amended the timings for licensable activities, namely the sale of alcohol, see Appendix 4.

The Representations

- 16 The Licensing Authority received six representations during the consultation period from, Mr Brown, Mr Hallam, Mr Tranter, Mr Dobson, Mr & Mrs Singlewood and Bishop Auckland Town Council (other persons).

The licensing authority deemed the representations as relevant, relating to the following licensing objectives:

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

Copies of the representations and supporting information 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 application:

- Durham Constabulary
- Durham County Council Public Health
- Durham Safeguarding Children Partnership
- County Durham and Darlington Fire Safety Authority

Copies of these responses are attached at Appendix 6.

A response was received from Durham County Council Planning Department not amounting to a representation, for information only. This information was forwarded to the applicant. See Appendix 7.

The Parties

18 The Parties to the hearing will be:

- Mr Brown – E & E Corn Supplies (other person)
- Mr Hallam – T H Motor Services (other person)
- Mr Tranter – Exhaust Mania (other person)
- Mr Dobson (other person)
- Mr & Mrs Singlewood (other persons)
- Bishop Auckland Town Council (other persons)

Options

19 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;

- (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

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 premises licence application was subject to a 28 day consultation.

See Appendix 1

Conclusion

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

Background papers

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

Other useful documents

- None

Contact: Karen Robson

Tel: 03000 265104

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



* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

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

Applicant Business

Is your business registered in the UK with Companies House? Yes No

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

Registration number

Business name If your business is registered, use its registered name.

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

Legal status

Continued from previous page...

Your position in the business

Director

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

17

Street

Chester Street

District

City or town

Bishop Auckland

County or administrative area

Co. Durham

Postcode

DL14 7LP

Country

United Kingdom

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth

* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

/ /
dd mm yyyy

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

/ /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Ground floor single storey industrial unit, with a pitched roof. Located on Chester Street, in the heart of Bishop Auckland. You enter through a small outside area with a bin store located here. Once inside there is a store room located to one side and office to the other. It is split into a main production area that is accessible to the public a disabled toilet the rear.

The main public area has brewery production facility and a seating area. It also has a tasting bar and area. The product sold

Continued from previous page...

within the unit are premium high quality, locally produced and small batch craft products. We would like to offer a wide range of take away items and US-style "growler" fills (these are re-usable swing-top bottles that can be filled straight from a keg system in the brewery) as well as gift boxes of the bottled beers. We would also like the customer to be able to consume the premises. As part of the brewery experience we are wishing to provide, our sit in drink start from £4.00 moving up Over £20 for some of our draught products.

Our staff are highly trained and love the small batch artisanal products we sell and would love to pass on their knowledge to the customers. The shop is not a standard bar/off-licence but rather more like a traditional alehouse providing a relaxed and sociable atmosphere for a comparatively small number of customers, meaning it will be attractive to discerning drinkers out for a quiet pint or two.

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

- Yes No

Section 11 of 21

Continued from previous page...

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes No

Section 13 of 21

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

See guidance on regulated entertainment

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

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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

Continued from previous page...

THURSDAY

Start 08:00

End 00:00

Start

End

FRIDAY

Start 08:00

End 00:00

Start

End

SATURDAY

Start 08:00

End 00:00

Start

End

SUNDAY

Start 08:00

End 00:00

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

Activities to be extended to 0100 from the 1st June to 30th September, to cater for the show Kynren.

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

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

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

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

Name

First name

David

Family name

Garnett

Continued from previous page...

Date of birth

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

Activities to be extended to 0100 from the 1st June to 30th September, to cater for the show Kynren.

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

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

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

Continued from previous page...

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

We will hold the 4 objectives in high regard, and will strive to keep staff fully trained on all of our policies and procedures, all training records will be made available to officers on request
Well trained staff will contribute to a responsible approach to the sale of alcohol.
All staff will be advised of licensing law, before they are allowed to sell alcohol.
All staff will be trained for specific on-site policies regarding operation of the business.
A training record will be kept and made available to officers and responsible authorities
No serving of alcohol to any person who appears to be drunk
Full initial staff training to be carried out by the DPS to ensure no alcohol is sold to anyone underage & refresher training carried out every six months
CCTV has been installed covering all internal areas, with the date and time set correctly. Cameras will encompass all entrance and exits of the building and the majority of staff will be trained how to use the system. All footage will be kept for at least 28 days

b) The prevention of crime and disorder

CCTV has been installed covering all internal areas, with the date and time set correctly. Cameras will encompass all entrance and exits of the building and the majority of staff will be trained how to use the system. All footage will be kept for at least 28 days
External lighting has been upgraded.
A door admissions policy, setting out age restrictions and expected dress standards.
Ejecting or refusing entry to person who do not meet admission standards, or are known to be violent or aggressive.
Staff training in conflict management, allowing members of staff to deal with difficult situations. Keep accurate records.
Zero tolerance policies on drugs and weapons.
Drug awareness training.
Lost and found policy will be operated.
Carefully positioned alcohol to prevent theft.
Staff training to deal with drunk customers.
Drink aware posters.

c) Public safety

Internal and external lighting fixed to promote public safety.
Staff trained in adherence to environmental health requirements.
Challenge 25 policy implemented and log book kept with all refusals.
Premise and all fittings & fixtures to be maintained at all times, to a safe and working order.
First aid boxes will be available and maintained.
Means of escape in an emergency are clearly marked.
awareness of requirements regarding health & safety
Incident log will be kept at all times

d) The prevention of public nuisance

A noise management policy will be in place, including shutting windows and doors.
A contact number will be provided for local residents, to report any noise disturbances.
Display prominent notices at exits requesting patrons to leave quietly.
Staff who leave after opening hours, will conduct themselves in a manner to avoid disturbance.
Commercial deliveries and collection of waste will be restricted to normal working hours.

Continued from previous page...

Regular inspections of outside area for litter, will be conducted by staff to clear litter.

External lighting will be turned off, after the premises has closed.

Strict challenge 25 policy will be operated.

Log book will be kept.

Customers will be asked not to stand outside, loudly talking.

Customers will not be permitted to the premises, outside opening hours.

Signage will be displayed to encourage customers to leave quietly

A rubbish bin will be placed at the entrance of the building and customers encouraged to use it. Staff will ensure the front of the premises and the immediate vicinity are litter free and clean

e) The protection of children from harm

Challenge 25 policy, will be implemented and log book kept. Acceptable forms of ID are a passport, photocard driving licenses and PASS accredited ID.

A log book/ refusals will be kept on the premises at all times. Including proxy sales

Admittance to children will only be permitted if they are accompanied by an adult.

Proxy sale posters will be displayed at premises.

No adverts or promotions for alcohol to appeal to young persons.

Staff will be trained about the challenge 25 policy, and restricting access to children.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially Independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

- **Plays:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an Indoor sporting event.
- **Live music:** no licence permission is required for:
 - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
 - any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Premises licence fees can be calculated by visiting the Department for Culture Media and Sport website at http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/3193.aspx

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

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

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

Details of these additional fees can be found on the website http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4040.aspx

* Fee amount (£)

DECLARATION

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

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

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

* Full name

* Capacity

Continued from previous page...

* Date

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
dd		mm		yyyy

Add another signatory

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

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

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

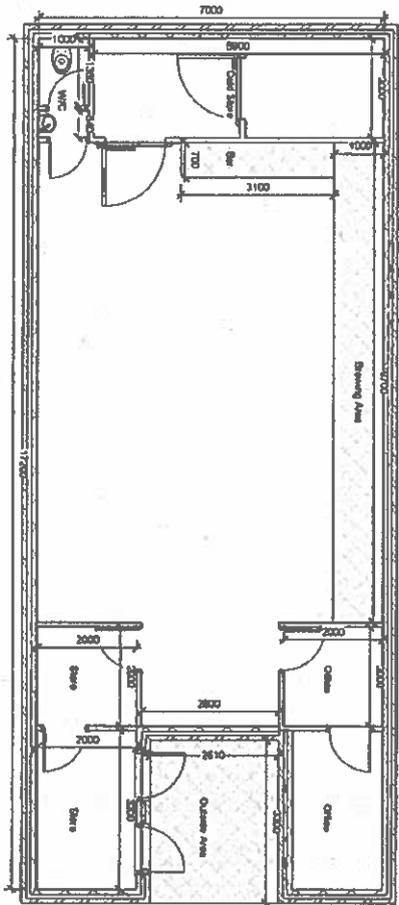
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Brewery"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next >





CHAS
Construction & Home Services



DIVERSITY
CONSTRUCTION

Client: Bishop Brewing

Drawn by: T. Slaughter

Scale: 1:100 @A1

Date: 14.08.2019

Proj. No.: 2019.019

Proj. Name: Bishop Brewing - P01

Drawn by: T. Slaughter

Checked by: Bishop Brewing

The information contained in this drawing is the property of CHAS Construction & Home Services and is to be used only for the project and site specified. It is not to be used for any other purpose without the written consent of CHAS Construction & Home Services. CHAS Construction & Home Services is not responsible for any errors or omissions in this drawing. The user of this drawing is advised to verify all dimensions and specifications with the relevant authorities and to ensure that all work is carried out in accordance with the relevant building codes and regulations. CHAS Construction & Home Services is not responsible for any damage or injury resulting from the use of this drawing.

**Appendix 4: Amended Licensable Activities following mediation
with Environmental Health**

From: Helen Johnson - Licensing Team Leader (N'hoods)
Sent: 10 October 2019 15:23
To: Tracey Lock
Cc: Mark Anslow
Subject: FW: Bishop Brewing Ltd

Hi Tracey

Please see details below, amendments to this application which have been agreed by the applicant.

Thanks

Helen Johnson
Licensing Team Leader
Community Protection Service
Regeneration and Local Services

Direct: 0191 278 5100
Mobile: 07945 504000
Email: helen.johnson2@durham.gov.uk

Web: www.durham.gov.uk
Follow us on Twitter @durhamcouncil
Like us on facebook.com/durhamcouncil

From: Alastair Wild <>
Sent: 10 October 2019 11:28
To: Helen Johnson - Licensing Team Leader (N'hoods) <Helen.Johnson2@durham.gov.uk>
Subject: Fwd: Bishop Brewing Ltd

Hi Helen,

Please find forwarded correspondence between ourselves and mark

Regards
David

----- Forwarded message -----

From: Mark Anslow <>
Date: Thu, Oct 10, 2019 at 11:19 AM
Subject: RE: Bishop Brewing Ltd
To: Alastair Wild <>

Hi Dave,

Thanks for the email.

For the sake of clarity I would suggest the following matches up with your proposal:

10.00-23.00 Monday to Sunday Standard timings for consumption both off and on the premises

08.00-10.00 Consumption off the premises only (allows for your off sales

08.00-23.00 Hours open to the public

No extended opening for Kynren.

If your happy with the above just forward to Helen advising you would like you application amended to match.

thanks

Mark Anslow

Development Assessment Team Leader

Community Protection Service

Regeneration and Local Services

Durham County Council

Annand House

Meadowfield

Durham

DH7 8RS

Switchboard:

E-mail:

Web: www.durham.gov.uk

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Follow us on linkedin.com/company/durham-county-council

Follow us on Instagram @durham_county_council

From: Alastar Wild <>
Sent: 10 October 2019 10:55
To: Mark Anslow <>
Subject: Re: Bishop Brewing Ltd

Hi Mark,

After some discussion at our end we don't have a problem with the suggested amendments you proposed. Just to confirm your happy with the hours 8am-11pm? We would like to keep the 8am start for online sales and off sales.

Do we need to contact Helen?

Cheers,

David

On Tue, Oct 8, 2019 at 1:12 PM Mark Anslow <> wrote:

Hi David,

Thank you for ringing me.

As discussed, my concern is that considering the extended hours you are proposing the licence is more associated with a regular bar/pub type operation, as opposed to the brewery with tastings you stated.

Considering the location, near residential away from existing licenced premises, I have concerns regarding noise associated with visitors coming and going from the premises (including smoking outside), especially during the night-time hours i.e. after 11pm.

Considering this is the first licence the premises has held I would suggest that 11pm would be a more appropriate closing time, and one that I feel I could support considering the mitigation measures you have stated in the application. Should you find that these hours are no sufficient after you have tested the market, then you can apply for a variation of hours, supported hopefully by how the business has operated to date.

Should you agree to the above amendments to the licence then I would as that you contact Helen Johnson - Licensing Team Leader on Helen.Johnson2@durham.gov.uk, requesting the amendments be made to your application.

Alternatively, should you not accept the above suggested changes then as discussed I will make a representation and your application will be considered by the licensing committee.

Kind regards

Mark Anslow

Development Assessment Team Leader

Community Protection Service

Regeneration and Local Services

Durham County Council

Annand House

Meadowfield

Durham

DH7 8RS

Switchboard:

Appendix 5: Representations

E & E Corn Supplies
Chester Street
Bishop Auckland
Co Durham
DL14 7LP
25th October 2019

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

Dear Sir's

Ref -- Bishop Brewing Limited Licensing application

We are writing to register our objection to the application for a New premises licence application by Bishop Brewing Limited for 17, Chester Street, Bishop Auckland, DL14 7LP.

The basis for this opposition is that the granting of a licence in the terms it has been applied for is likely to have a negative effect on the four licencing objectives:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance; and
- The protection of children from harm

Our objection to the application against the four objectives is set out below

The prevention of crime and disorder

17, Chester Street lies within an Industrial/Commercial area, and is close to residential dwellings, the sale and consumption of alcohol both within and outside the premises from 8.00am until midnight and other times beyond midnight is totally against a responsible approach to drink awareness and will only encourage drink related crime, anti-social behavior and public disorder to this area.

The applicant makes no reference to joining any "Pub watch" scheme which promotes the prevention of crime and disorder through expulsion of unwelcome and known troublemakers.

We can only assume that the applicant will allow these undesirable to frequent the area and continue disorder unchecked.

Adding another premises to an area which already has an abundance of alcohol related premises will inevitably lead to challenges and possible changes in the application to maintain profitability. It would appear that the premises are unsuitable for the consumption of alcohol on the premises and this will lead to an increase of drinking within the street and an increase in crime and disorder which is well associated with street drinking

Public safety

The premises are within close proximity to King James 1st Academy and is likely to encourage underage drinking and impact of the vulnerable students.

In addition the premises do not mention parking facilities and therefore this will increase the number of on street parking which will cause severe congestion and hazards to the existing businesses within the area.

It is worth noting that the application makes no reference to the adjacent academy or how they intend to address the parking issues during school opening hours.

Within the application there are a number of references to how the applicant will deal with public safety, however these seem more focused on addressing issues after the event rather than addressing the issue before it occurs

The prevention of public nuisance

Encouraging people to drink outside premises without secluded areas is well known to add to public nuisance, especially relating to increased noise.

The amenities shown within the application seem very limited and this will probably increase the potential for urinating in the street.

The lack of any attention to a smoking policy will obviously lead to smoking outside and the discharge of cigarettes onto the street

The drinking outside the premises will also add to public nuisance as this is a known cause of public disorder and trouble.

The prevention of children from harm

We do not see how the granting of an application to sell and consume alcohol in close proximity to school children can prevent harm. It is well known that persons will purchase alcohol for juveniles and the temptation for this to happen so close has not been considered.

It is very likely that children will be exploited both financially and socially by certain persons through the sale of alcohol or effects of it.

We have tried to limit our concerns to the most immediate effects the granting of this application will have on the local community and the adverse effect it will have to our younger generation and local residents.

We would therefore request look very closely at this application and refuse it in its entirety.

Yours faithfully

P Brown
E & E Corn Supplies

A E Hallam
Peel Street
Bishop Auckland
Co Durham
DL14 7LP
25th October 2019

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

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We can only assume that the applicant will allow these undesirable to frequent the area and continue disorder unchecked.

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We would therefore request look very closely at this application and refuse it in its entirety.

Yours faithfully

A E Hallam
T H Motor Services
Peel Street,
Bishop Auckland
DL14 7LF

25th October 2019

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

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- The prevention of public nuisance; and
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The applicant makes no reference to joining any "Pub watch" scheme which promotes the prevention of crime and disorder through expulsion of unwelcome and known troublemakers.

We can only assume that the applicant will allow these undesirable to frequent the area and continue disorder unchecked.

Adding another premises to an area which already has an abundance of alcohol related premises will inevitably lead to challenges and possible changes in the application to maintain profitability. It would appear that the premises are unsuitable for the consumption of alcohol on the premises and this will lead to an increase of drinking within the street and an increase in crime and disorder which is well associated with street drinking

Public safety

The premises are within close proximity to King James 1st Academy and is likely to encourage underage drinking and impact of the vulnerable students.

In addition the premises do not mention parking facilities and therefore this will increase the number of on street parking which will cause severe congestion and hazards to the existing businesses within the area.

It is worth noting that the application makes no reference to the adjacent academy or how they intend to address the parking issues during school opening hours.

Within the application there are a number of references to how the applicant will deal with public safety, however these seem more focused on addressing issues after the event rather than addressing the issue before it occurs

The prevention of public nuisance

Encouraging people to drink outside premises without secluded areas is well known to add to public nuisance, especially relating to increased noise.

The amenities shown within the application seem very limited and this will probably increase the potential for urinating in the street.

The lack of any attention to a smoking policy will obviously lead to smoking outside and the discharge of cigarettes onto the street

The drinking outside the premises will also add to public nuisance as this is a known cause of public disorder and trouble.

The prevention of children from harm

We do not see how the granting of an application to sell and consume alcohol in close proximity to school children can prevent harm. It is well known that persons will purchase alcohol for juveniles and the temptation for this to happen so close has not been considered.

It is very likely that children will be exploited both financially and socially by certain persons through the sale of alcohol or effects of it.

We have tried to limit our concerns to the most immediate effects the granting of this application will have on the local community and the adverse effect it will have to our younger generation and local residents.

We would therefore request look very closely at this application and refuse it in its entirety.

Yours faithfully

N Tranter
Exhaust Mania
Peel Street,
Bishop Auckland,
DL14 7LF

South Church Road

Bishop Auckland

DL14 7JY

Tel.

Work.

Dear Sirs,

Ref: Bishop Brewing Limited License Application

I am writing to register my objection to the application for a premises license by Bishop Brewing Limited, 17, Chester Street, Bishop Auckland DL14 7LP. The basis for this opposition is that granting a license for these premises will undoubtedly increase crime and anti-social behaviour.

17 Chester Street lies within a small industrial/commercial area, and is around ten metres from residential dwellings. Enabling the premises to sell alcohol would be totally detrimental to the prevention of drink related crime and anti-social behaviour in the area. It would simply add a further source of alcohol within a town already so heavily populated with licensed premises that crime, disorder, and public nuisance have already reached problem levels for the local police. The application proposes that alcohol will be sold for consumption on or off the premises between 8:00am and midnight, seven days a week, with extensions during the summer and Bank Holidays to 1.00am. Apparently, this extension is to cater for people who have been to the Kynren event. Kynren has a licensed bar, so I would suggest that anyone visiting the Bishop Brewery after Kynren, would not be categorised as '*discerning drinkers out for a quiet pint or two*', as described in section 5 of the application. Granting a license would create levels of noise which would not be acceptable to nearby residents especially those with children at school. The premises are also situated not 30 metres from the entrance to King James 1st Academy. In an already problematic area for under-age drinking it would not be deemed ethical to grant a license to a premises in such close proximity. I am led to believe that licenses to sell alcohol, have already been revoked in the area for supplying school children. In addition, there is a vehicle repair garage next door to the premises. Surely it would not be safe practice to have drinking customers entering and leaving in such close proximity to vehicles being driven in and out of the garage. I would urge the committee to consider existing premises with similar licensing hours in the town. I do not have access to statistics, but believe that the Police are frequently called to deal with anti-social activities in these areas.

The residents in this area already suffer noise nuisance and antisocial behaviour late at night. They accept that there will be noise from traffic and passers-by in the evening, being situated on a main road, but to have to endure yet more drink related behaviour till the small hours, is unacceptable. Regarding the issue of noise, the premise does not appear to be able to provide a smoking area. Does this mean that customers will be stood outside, smoking and holding conversation in the street, increasing the noise, and littering with street with cigarette butts?

On a personal note, I have lived at my current address for over 25 years. We have had more than our fare share of car crime and vandalism, and almost every incident has been due to youths and drink. My daughter attends the Academy in her final year, and I worry about the effects of a licensed premises preventing her from sound sleep in what is a very demanding time.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,

J Dobson

✓

From: J [redacted] Singlewood <[redacted]>
Sent: 23 October 2019 21:17
To: AHS Licensing
Subject: Licence objection

Categories: Karen

J [redacted] Singlewood
W [redacted] Singlewood
South Church Road
Bishop Auckland
Co. Durham
DL14 7JY

We wish to object to the proposed licence to
17 Chester St, Bishop Auckland DL14 7LP.

Reasons are :

Close proximity to our house, is less than 40 metres
Parking and public nuisance
Poorly lit Chester Street
Unlit back lane
Crime and disorder
Devaluation of our property
Close proximity to school
Public smoking area.

In our opinion this is not a viable application

J [redacted] Singlewood
W [redacted] Singlewood

Sent from my i

From: J Singlewood < >
Sent: 25 October 2019 11:32
To: AHS Licensing
Subject: Re: Licence objection

Categories: Karen

We would like to append the licence objection

Close proximity to our house 40 metres, close enough for noise and smoke from outdoor smokers and smells from brewing.

The doors to the proposed bar are approx 12 metres from our back lane which is unlit.

I have security lights in my yard and burglar alarms because of unlit lane.

The bar in our opinion would add to people accessing the lane and causing nuisance.

Can the size of the building properly accommodate the number using toilets and we believe some people will use the lane.

Crime and disorder when patrons who are intoxicated have been put off the premises immediately into the vicinity of our homes and the school.

On 23 Oct 2019, at 21:17, J Singlewood <

J Singlewood
W Singlewood
15 South Church Road
Bishop Auckland
Co. Durham
DL14 7JY

We wish to object to the proposed licence to
17 Chester St, Bishop Auckland DL14 7LP.

Reasons are :

Close proximity to our house, is less that 40 metres Parking and
public nuisance Poorly lit Chester Street Unlit back lane Crime and
disorder Devaluation of our property Close proximity to school Public
smoking area.

In our opinion this is not a viable application

J Singlewood
W Singlewood

22nd OCT 2019.

MR & MRS W. SINGHEWOOD
SOUTH CHURCH RD.
BP. AUCKLAND.
DL14 7JY.

WE WISH TO OBJECT TO THE PROPOSED LICENCE
TO 17, CHESTER ST BP AUCKLAND

REASONS ARE:

CLOSE PROXIMITY TO OUR HOUSE, IS LESS THAN
40 METRES.

PARKING & PUBLIC NUISANCE.

POORLY LIT CHESTER ST & UNLIT BACK LANE.

CRIME & DISORDER. DEVALUATION OF OUR PROPERTY.

CLOSE PROXIMITY TO SCHOOL.

PUBLIC SMOKING AREA.

IN OUR OPINION THIS IS NOT A VIABLE
APPLICATION.

From: David Anderson < >
Sent: 29 October 2019 19:36
To: Tracey Lock; Helen Johnson - Licensing Team Leader (N'hoods)
Subject: RE: LICENSING ACTA 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE APPLICATION

The Council considered the application for a new premises licence for 17 Chester Street, Bishop Auckland at its meeting held on 29th October 2019.

The Council was concerned about the opening hours, in particular potentially operating from 8.00 am in the vicinity of a school. The Council considers that operating from 5.00 pm until midnight would be preferable to avoid the ability of selling alcohol in close proximity of a school during school hours and also to minimise potential disturbance to local residents after midnight.

Members were also of the opinion that a temporary licence should be granted until the full impact of a new licenced premises could be assessed.

Regards

David

David Anderson
Town Clerk

Bishop Auckland Town Council
The Four Clocks Centre
154A Newgate Street
Bishop Auckland
Co Durham
DL14 7EH

Customer Notice

We have updated our terms and conditions for all our services, including making some important updates to our privacy notices. To find out more about how we collect, use, share and retain your personal data, visit: <http://bishopauckland-tc.gov.uk/legal-information/privacy-statement/>

Appendix 6: Responses from Responsible Authorities

From: Judith Wilkinson ·
Harm Reduction Unit <
Sent: 01 October 2019 14:07
To: Tracey Lock
Subject: RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE

01/10/19

To Durham County Council

The Harm Reduction Unit can confirm that the Police have No Objections to the below New Premise Application.

Many Thanks

Judith Wilkinson
Licensing Support

From: Tracey Lock |]
Sent: 23 September 2019 14:47
Subject: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE

The following application has been received/accepted by Durham County Council.

Les – please check that the blue notice is displayed correctly.

1
Application Type - Application for a new Premises Licence
Applicant: - Bishop Brewing Ltd
Premises – 17 Chester Street Bishop Auckland DL14 7LP
Date of Application – 23 September 2019 Last date for representations – 21 October 2019

Please note the last date for representations

If anyone has any comments to make in regards to the application i.e. additional conditions / changes in times can you please contact Helen Johnson, Licensing Team Leader either by email on helen.johnson2@durham.gov.uk or telephone 03000 265101. Helen will look to see if any other responsible authority has any similar concerns and will look to arrange a meeting with the applicant to discuss further.

Tracey Marie Lock
Licensing Officer
Community Protection Service
Regeneration and Local Services
Durham County Council
Annand House

From: Sean Barry
Sent: 27 September 2019 15:20
To: Tracey Lock
Cc: AHS Licensing
Subject: RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE

Good Afternoon

I have received a new licence application for the establishment: Bishop Brewing Ltd, 17 Chester Street Bishop Auckland DL14 7LP

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

My Ref: PH/2019/110

Thanks
Sean

From: Tracey Lock <
Sent: 23 September 2019 14:47
To:
Subject: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE

The following application has been received/accepted by Durham County Council.

Les – please check that the blue notice is displayed correctly.

1
Application Type - Application for a new Premises Licence
Applicant: - Bishop Brewing Ltd
Premises – 17 Chester Street Bishop Auckland DL14 7LP
Date of Application – 23 September 2019 Last date for representations – 21 October 2019

Please note the last date for representations

If anyone has any comments to make in regards to the application i.e. additional conditions / changes in times can you please contact Helen Johnson, Licensing Team Leader either by email on . Helen will look to see if any other responsible authority has any similar concerns and will look to arrange a meeting with the applicant to discuss further.

**Tracey Marie Lock
Licensing Officer
Community Protection Service
Regeneration and Local Services
Durham County Council**

From: Stephen Winship
Sent: 27 September 2019 10:11
To: Helen Johnson - Licensing Team Leader (N'hoods)
Cc: AHS Licensing; Tracey Lock
Subject: New licence 17 Chester Street, Bishop Auckland

Good Morning,

My Ref: SW/2019/120

I represent the Durham Safeguarding Children Partnership (DSCP) 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, 17 Chester Street Bishop Auckland DL14 7LP.

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

Regards

Stephen Winship

Policy & Strategy Officer
Durham Safeguarding Children Partnership

County Hall, Durham
DH1 5UJ



Durham Safeguarding Children Partnership (DSCP)
Keeping Children Safe





Chief Fire Officer: Stuart Errington

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

Date: 27 September 2019

This matter is being dealt with by: Craig Farrage

Ext:

Our Ref: 1B30200320

Your Ref: New Application

Direct Dial Telephone:

E-mail: (

Via Email to Licensing

Dear Sir / Madam

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Bishop Brewing Ltd, 17 Chester Street, Bishop Auckland, DL14 7LP

I acknowledge your application dated 23 September 2019 for a Premises Licence 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.

A suitable and sufficient fire safety risk assessment must be carried out in order to comply with the above Order.

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

C.E Farrage

Craig Farrage
Fire Safety Section



Appendix 7: Response from Planning Dept

From: Hilary Sperring
Sent: 04 October 2019 16:31
To: Tracey Lock
Subject: CON28/19/02638 Application for a new Premises Licence 17 Chester Street Bishop Auckland DL14 7LP

Dear Tracey,

Thank you for your consultation on the above premises licence.

I have reviewed the information provided and it appears unclear from the information submitted with the licence application the intended use of the building in planning terms, as there appears to be some elements of retail and drinking establishment in addition to the brewery aspect.

On this basis the proposal may represent a material change of use of the building for which planning permission may be required.

With this in mind it is recommended that the applicant submits a pre-application enquiry to the planning team in the first instance to assess whether the proposal would involve a change of use, whether planning permission is required and whether any such planning application would be viewed favourably. I have attached the link below to the planning pre-application enquiry service and there would be a fee of £50 for this service.

<http://www.durham.gov.uk/media/3739/Pre-Application-Advice/pdf/PreApplicationAdviceProtocol.pdf>

Unfortunately, we are no longer able to provide informal pre-application advice over the phone and the only way in which it could be confirmed whether the proposed use requires planning permission would be via the above pre-application enquiry process.

I would be grateful if you could please pass this information onto the applicant.

Please do not hesitate to contact me if you have any queries.

Kind Regards,

Hilary

Mrs Hilary Sperring

Planning Officer | Development Management

Durham County Council
Planning Development (South West)
County Hall
Durham
DH1 5UL

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, licencees 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 dependant 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.

8.0 Public Safety

8.2 Applicants are advised to seek advice on such matters from the Council's Occupational Safety and Health team, Health and safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service, and incorporate any recommendations in their Operating Schedule before submitting their applications.

- First Aid
- Public security
- Event control
- Polycarbonate Glass
- Fire Safety
- Electrical safety
- Building safety
- Transport
- Drink driving issues
- Occupancy levels

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