



Statutory Licensing Sub-Committee

Date Tuesday 17 January 2012
Time 10.00 am
Venue Council Chamber, Council Offices, Chester-le-Street

Business

Part A

1. Declarations of Interest (if any)
2. Minutes of the Meeting held on 28 November 2011 (Pages 1 - 4)
3. Application for the Review of a Club Premises Certificate - Seaham Park Cricket Club, The Pavillion, Seaham Town Park, Stockton Road, Seaham
4. Application to Transfer a Premises Licence - The Shoes, Plawsworth Road, Sacriston (Pages 5 - 34)
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

9 January 2012

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

Councillors B Arthur, C Carr, B Graham, A Hopgood and J Hunter

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - Council Offices, Spennymoor on **Monday 28 November 2011 at 10.00 am**

Present:

Councillor C Carr (Chair)

Members of the Committee:

Councillors P Charlton, A Hopgood, J Hunter and J Wilkinson

Apologies:

There were no apologies for absence

Also Present:

C Greenlay – Solicitor

H Johnson – Licensing Team Leader

S Amin – Applicant, Urban Oven

R Bell – Barrister, Urban Oven

Mr Amin – Urban Oven

K Ryder - Architect, Urban Oven

J Ashby – Local Resident, Urban Oven

S Aljumaily - Applicant, Deniros Pizza Shop

Mr Dahar - Deniros Pizza Shop

Mr and Mrs Tighe – Interested Party, Deniros Pizza Shop

Sgt Tim Robson – Durham Constabulary, Deniros Pizza Shop

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 Minutes of the meeting held on 7 September 2011.

The Minutes of the meeting held on 7 September 2011 were agreed as a correct record and were signed by the Chair.

3 Application for a Premises Licence, Urban Oven, 94 Claypath, Durham City

Members: Councillors C Carr (Chair), P Chartlon, J Hunter

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for a new Premises Licence in respect of Urban Oven, 94 Claypath, Durham City, a copy of which had been circulated.

Mr Newton an Interested Party advised that he was unable to attend the meeting but asked that additional information be circulated to members.

Rosalind Bell the Barrister acting on behalf of the Applicant indicated that the business was family run which wanted to trade too early in the morning as other restaurants in Claypath were open until late. She circulated additional information which included fliers from restaurants in the vicinity which advertised late opening hours.

She referred to the petition that had been submitted in support of the application to increase the hours and that this area of Claypath was more commercial than residential which was busy in the evening. She went on to say that residents who lived above the premises supported the application and were on good terms with the staff and used the facilities and the landlord had raised no objections.

She advised the panel that her client agreed with the conditions and would locate a bin outside the premises and would pick litter up in the immediate vicinity as well as washing the pavement with disinfectant outside.

The Barrister referred to the objection from Mr Newton in particular his statement which indicated that other takeaways in Claypath were not open until 3.00 am. She advised the Panel that her client wanted the extension to bring him in line with other takeaways in Claypath which suggested that Mr Newton had not suffered from noise.

Members sought clarification on the area in Claypath which was residential properties other than students and where the next nearest takeaway was located and where the delivery vans would park.

In response, Members were advised that residential properties were located in the upper part of Claypath and the next takeaway was 2 doors away and that delivery vans would park in the car park next to the Jug Public House.

The Architect also advised the Panel that the extractor duct located inside the building was well insulated as the structure of the building was for commercial use downstairs and residential use upstairs.

The Barrister referred to planning being separate to Licensing and advised the Sub-Committee that her client had appealed the planning decision as other establishments in Claypath had planning permission until 3.00 am and others were in breach of their planning permission.

At 10.45 am Members retired to deliberate the application in private. After reconvening at 11.05 am the Chair explained that in reaching it's decision the Sub-Committee had considered the report of the Licensing Officer, the written and verbal representations of the Applicant, Responsible Authorities and Interested Parties and additional information provided. They had also taken into account the relevant provisions of the Licensing Act 2003, Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy.

RESOLVED:

(i) That the application for a Premises Licence in respect of Urban Oven, 94 Clapyath be granted for the undermentioned times and in accordance with the conditions agreed in advance by the Applicant and Police and the inclusion of an additional condition that the pavement outside be washed:-

Opening hours of the premises	Sunday to Wednesday – 11.00 am to 12.00 Midnight Thursday to Saturday – 11.00 am to 02.30 am
Late Night Refreshment	Sunday to Wednesday – 11.00 pm to 11.30 pm Thursday to Saturday – 11.00 pm to 02.00 am

(ii) That the Enforcement Team be asked to investigate premises staying opening beyond their licensing hours in the Claypath area.

4 Application for a Premises Licence Deniros Pizza Shop, Seaham

Members: C Carr (Chair), A Hpgood, J Wilkinson

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for a Premises Licence in respect of Deniros Pizza Shop, 50 Parkside Crescent, Seaham, a copy of which had been circulated.

Mrs Tighe an Interested Party indicated that the applicant was currently in breach of the licence and was open after hours. She asked Sgt Tim Robson to speak as a witness on her behalf.

Sgt Tim Robson raised concerns that the premises were staying open late even though they had been written to they continued to stay open, which was a criminal offence and a breach of the licensing objective. He went on to say that Mr and Mrs Tighe had a clear view of the premises and could clearly see transactions taking place beyond the opening hours and that no other premises in the area had a late night licence. He believed that if they received the late night licence they would stay open beyond midnight which would have a detrimental impact on residents. He asked that the licence not be extended until the Applicant could adhere to the current opening hours, following which the Applicant could request that the licence be reviewed.

The Applicant advised the Sub-Committee that he only required an extension for 30 minutes which would allow him to take food orders later than at present. This would allow him to compete with other takeaways. The premises would close at 12.00 midnight. He also indicated that he had never stayed open until the early hours.

The Applicant also referred to a letter from the resident of 47 Ash Crescent who indicated that he had no objections to the extension of the hours. In view of this the Sub-Committee were asked to disregard the letter from the resident that had been circulated with the papers. He also referred to the remaining letters from Interested Parties explaining his relationship to each of the residents. He also spoke about how long it took to make food orders and why he had to sometimes cancel orders as he couldn't make them in time to enable him to close the premises at 11.00 pm.

At 12.20 pm Members retired to deliberate the application in private. After re-convening at 12.35 pm the Chair explained that in reaching it's decision the Sub-Committee had considered the report of the Licensing Officer, the verbal and written representations of the Applicant and Interested Parties. They had also taken into account the relevant provisions of the Licensing Act 2003, Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy.

RESOLVED:

That the application be not granted but if the applicant could prove he was abiding by the licensing objectives then he could re-apply at a later date.

Statutory Licensing Sub-Committee

Tuesday 17th January 2012, 11am

Application to Transfer a Premises Licence



Report of Terry Collins, Corporate Director, Neighbourhood Services

Name and Address of Premises: The Shoes, Plawsworth Road, Sacriston,
Co Durham DH7 6HJ

1. Summary

The Sub-Committee is asked to consider and determine the application to transfer a premises licence received from:

Tony Bateman
Flint Bishop LLP
St Michaels Court
St Michaels Lane
Derby
DE1 3HQ

On Behalf of: Mr Akik Miah, The Shoes, Plawsworth Road, Sacriston,
Co. Durham, DH7 6HJ

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

2. Details of the Application

On 14th December 2011 the Licensing Authority received an application to transfer the premises licence, The Shoes, Plawsworth Road, Sacriston, Durham DH7 6HJ to Mr Akik Miah. A copy of the application is attached as Appendix 2.

The details of the application to transfer the premises licence are as follows:

Current Licence Holder	Proposed Licence Holder
Scottish & Newcastle Pub Company (Management) Ltd	Mr Akik Miah

3. The Representations

Section 42 (6) of the Licensing Act 2003 provides that where a chief officer of police (having been notified of the application) is satisfied that the exceptional

circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.

On 19th December 2011 the Licensing Authority received such notice from Durham Constabulary.

This is attached at Appendix 3.

4. The Parties

The Parties to the hearing will be:

- Mr Tony Bateman, (Solicitor for Applicant)
- Sgt Robson, Durham Constabulary (Responsible Authority)

5. Durham County Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the following relevant part of the Council's Statement of Licensing Policy:

- Section 5.0 prevention of crime and disorder

Relevant information is attached as Appendix 4.

6. Section 182 Guidance

The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under section 182 of the Licensing Act 2003 as follows:

- 2.1 – 2.18 prevention of crime and disorder

Relevant information is attached as Appendix 5.

7. For Decision

The Sub-Committee is asked to determine the application in the light of the above having regard to the application, the representation received from Durham Constabulary.

Background Papers:

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003

Contact: Karen Monaghan

Tel: 0191 3018236

Email: Karen.monaghan@durham.gov.uk

Location Plan – Appendix 1



Application Form – Appendix 2

Application to transfer premises licence to be granted under the Licensing Act
2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We Akik Miah

.....
(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing
Act 2003 for the premises described in Part 1 below

Premises licence number

PLA0089

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or
description

Shoes
Plawsworth Road
Sacriston
Durham
DH7 6HJ

Telephone number at premises (if any)

Please give a brief description of the premises

The premises operates as a Public House in Durham

Name of current premises licence holder

Scottish & Newcastle Pub Company (Management) Limited

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- Please tick yes
- a) an individual or individuals please complete section (A)
 - b) a person other than an individual
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
 - c) a recognised club please complete section (B)
 - d) a charity please complete section (B)
 - e) the proprietor of an educational establishment please complete section (B)
 - f) a health service body please complete section (B)
 - g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
 - ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
 - h) the chief officer of police of a police force in England and Wales please complete section (B)

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

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

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

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day Month Year

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

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)



Please tick yes

I have enclosed the premises licence



If you have not enclosed premises licence referred to above please give the reasons why not.

The original Premises Licence is currently with the Council for a DPS change.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 4 -- Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature *AD [Signature]*
.....

Date 8 December 2011
.....

Capacity *Licensing Manager*
.....

3 For joint applicants signature of 2nd applicant, 2nd applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature
.....

Date

Capacity

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

Tony Bateman
Flint Bishop LLP
St. Michael's Court
St. Michael's Lane
Derby
DE1 3HQ

Telephone number (if any) 01332 340 211

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

tony.bateman@flintbishop.co.uk

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application

Consent of premises licence holder to transfer

I/we SCOTTISH + NEWCASTLE PUB COMPANY (MANAGEMENT) LIMITED
[full name of premises licence holder(s)]

the premises licence holder of premises licence number _____
[insert premises licence number]

relating to

SHEES PLANSWORTH ROAD SACRISTON DURHAM DH7 6HJ
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

PLA0089
[insert premises licence number]

to

AKIK MIAH
[full name of transferee].

signed K A Hughes

name
(please print) K A HUGHES

dated 8-12-2011



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number

PLA0089

Issued

16 DECEMBER 2011

Part 1 – Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description

Issuing Authority

THE SHOES
3 PLAWSWORTH ROAD
SACRISTON

DURHAM COUNTY COUNCIL
UNIT 1
DAMSON WAY
DRAGONVILLE INDUSTRIAL ESTATE
DURHAM
DH1 2YN

Post town: CHESTER LE STREET

Postcode: DH8 6HU

Telephone number: 0191 3718955

Where the licence is time limited the dates
NOT APPLICABLE

Licensable activities authorised by this licence

Performance of Live music
Playing of Recorded music
Provision of facilities for making music
Provision late night refreshment
Sale by Retail of alcohol

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

Monday	11:00 – 23:30	Non standard/seasonal timings:
Tuesday	11:00 – 23:30	
Wednesday	11:00 – 23:30	None
Thursday	11:00 – 23:30	
Friday	11:00 – 23:30	
Saturday	11:00 – 23:30	
Sunday	12:00 – 23:00	

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

On and Off Sales

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

Live music

Indoors Only

Monday	11 00 – 23 00	Further details
Tuesday	11 00 – 23 00	
Wednesday	11 00 – 23 00	Non standard/seasonal timings
Thursday	11 00 – 23 00	
Friday	11 00 – 23 00	None
Saturday	11 00 – 23 00	
Sunday	12 00 – 22 30	

Recorded music

Indoors Only

Monday	11 00 – 23 00	Further details
Tuesday	11 00 – 23 00	
Wednesday	11 00 – 23 00	Non standard/seasonal timings
Thursday	11 00 – 23 00	
Friday	11 00 – 23 00	None
Saturday	11 00 – 23 00	
Sunday	12 00 – 22 30	

Provision of facilities for making music

Indoors Only

Monday	11 00 – 23 00	Further details
Tuesday	11 00 – 23 00	
Wednesday	11 00 – 23 00	Non standard/seasonal timings
Thursday	11 00 – 23 00	
Friday	11 00 – 23 00	None
Saturday	11 00 – 23 00	
Sunday	12 00 – 22 30	

Provision of facilities for dancing

Indoors Only

Monday	11 00 – 23 00	Further details
Tuesday	11 00 – 23 00	
Wednesday	11 00 – 23 00	Non standard/seasonal timings
Thursday	11 00 – 23 00	
Friday	11 00 – 23 00	None
Saturday	11 00 – 23 00	
Sunday	12 00 – 22 30	

Late Night Refreshment

Indoors only

Monday	23 00 – 23 30	Further details
Tuesday	23 00 – 23 30	
Wednesday	23 00 – 23 30	
Thursday	23 00 – 23 30	Non standard/seasonal timings
Friday	23 00 – 23 30	
Saturday	23 00 – 23 30	None
Sunday		

Sale by retail of alcohol

On and Off sales

Monday	11 00 – 23 00	Further details
Tuesday	11 00 – 23 00	
Wednesday	11 00 – 23 00	
Thursday	11 00 – 23 00	Non standard/seasonal timings
Friday	11 00 – 23 00	
Saturday	11 00 – 23 00	None
Sunday	12 00 – 22 30	

Part 2

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

SCOTTISH & NEWCASTLE PUB COMPANY (MANAGEMENT) LTD
2-4 BROADWAY PARK, SOUTH GYLE
BROADWAY, EDINBURGH, EH12 9JZ
TELEPHONE: 0131 5281000

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

Company no SC250925
Charity no NOT APPLICABLE

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol

NONE AUTHORISED AT PRESENT
Telephone Number :

Personal licence number and issuing authority of personal licence held by designated premises

NONE AUTHORISED AT PRESENT

Annex 1 – Mandatory conditions

Mandatory conditions where licence authorises supply of alcohol

(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions

(2) The first condition is that no supply of alcohol may be made under the premises licence—

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Mandatory Conditions from April and October 2010

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise)
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less.
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring.

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

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability)

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available

4.--(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol

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

5. The responsible person shall ensure that--

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

(i) beer or cider ½ pint,

(ii) gin, rum, vodka or whisky 25 ml or 35 ml, and

(iii) still wine in a glass 125 ml, and

(b) customers are made aware of the availability of these measures.

CONDITIONS FROM PREVIOUS LICENCES

All conditions and embedded restrictions in the Licensing Act 1964 including those reproduced below are preserved as conditions attached to this licence

Alcohol shall not be sold or supplied except during permitted hours

The above restrictions do not prohibit

- (a) during the first twenty minutes after the above hours the consumption of alcohol on the premises;
- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises
- (d) the ordering of alcohol to be consumed off the premises or the despatch by the vendor of the
- (e) the sale of alcohol to a trader or club for the purpose of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

- (g) the taking of alcohol from the premises by a person residing there, or
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of the alcohol by persons so supplied, or
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purpose of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

None

Prevention of Crime and Disorder

No irresponsible sales promotions of alcoholic beverages shall be offered to customers
 No customers carrying open or sealed bottles shall be admitted to the premises at any time the premises are open to the public
 A sign will be displayed on the premises indicating the standard hours which the sale of alcohol is permitted

Public Safety

All fire doors will be maintained effectively self closing and shall not be held open other than by approved devices
 Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade shall be summoned, are to be prominently displayed

Prevention of Public Nuisance

No regulated entertainment of any type shall take place outside the premises in any areas which are within the licence-holders control after 22:00 save for any special event seven days' notice of which has been given to the Licensing Authority and Police
 When amplified musical entertainment is taking place inside the premises after 22:00 windows and doors save for entrance and exit purposes will be kept shut
 A sign located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours

Protection of Children from Harm

No one under the age of 16 will be allowed to enter or remain on the premises after 22:00 save on Christmas Eve and New Year's Eve
 Anyone who appears to be under the age of 18 and who is attempting to buy alcohol must be required to produce proof of age before such a sale is made

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

Not Applicable

Annex 4 – Plans

Attached

A handwritten signature in black ink, appearing to read "John J. [unclear]".

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

Letter from Durham Constabulary–Appendix 3

NOT PROTECTIVELY MARKED

Chester-Le-Street Police Station
Licence Support Officer
Administration Department
Newcastle Road
CHESTER-LE-STREET
County Durham
DH3 3TY

Web Site: www.durham.police.uk
 E-mail: NALU@durham.pnn.police.uk

Tel No: 0191 3752308
 Fax No: 0191 375 2304
 DX: 721661

Your Ref:
 Our Ref: PJL/PREM/2609

19 December 2011



This matter is being dealt with by Sgt Tim Robson & PCSO Williamson
 Tel 0845 60 60 365 ext 6632351 or direct 0191 3752351

Dear Sir/Madam

Premises: Shoes, Plawsoth Road, Sacriston, Chester le Street

Applicant: Akik Miah

Type of application: Transfer of Premise Licence to Akik Miah

Date Received : 14.12.2011

With reference to the above application, please note that the Police object to this application as it undermines the specific licensing objectives.

The Prevention of Crime & Disorder

Yours faithfully

Chief Inspector I. Butler

NOT PROTECTIVELY MARKED

Licensing Officer
 Durham Count Council
 Chester le Street Office
 Civic Centre
 Newcastle Rd
 Chester Le Street
 Co Durham
 DH3 3UT

**Statement of Licensing Policy - Relevant Section
Appendix 4**

5.0 The Prevention of Crime and Disorder

- 5.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.
- 5.2 As a matter of Policy the Licensing Authority will require every holder of a Licence, Certificate or Permission to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter. The Licensing Authority suggests that applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit television in certain premises must be considered by applicants and licencees when addressing this issue. The Licensing Authority will also expect that Personal Licence holders will actively participate in established "Pubwatch" schemes where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "2Best Bar None" initiative which enables premises to demonstrate good safe operating procedures.
- 5.3 The Licensing Authority considers the effective and responsible management of the premises through competent and efficient instruction, training and supervision of staff and the adoption of best practice, such as 'Challenge 21', 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.
- 5.4 The application for premises selling alcohol must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years, and so that the Licensing Authority and Police can discuss any problems / issues arising from the licensable activities offered on the premises. The Licensing Authority considers it to be good practice if the 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 in premises classified as vertical drinking establishments where little or no seating is provided.
- 5.5 The Licensing Authority will only impose a maximum number of people that can attend a premises or an event where there is a clear and justifiable need in respect of that particular premises or event based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.
- 5.6 Whenever security operatives / door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives he / she will need to be licensed by the SIA as a supervisor / manager.
- 5.7 The numbers of licensed door supervisors, both male and female, required at any premises will be dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.
- 5.8 In addition to the requirement of the Licensing Authority to promote the Licensing Objectives, a Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.
- 5.9 The Licensing Authority does not support drinks promotions or substantially reduced drinking policies that encourage the irresponsible consumption of alcohol, such as binge drinking.

Cumulative impact of Licences on the amenity of particular areas

- 5.10 The Licensing Authority recognises that the cumulative effect of the number, type and density of premises selling alcohol for consumption on the premises in a given area may cause serious problems of nuisance and disorder outside or some distance from Licensed premises.
- 5.11 Where there is evidence that such a problem exists, the Licensing Authority may decide it is no longer appropriate for any further Licensed premises to be established or variations to existing licences

to be made in the area and that a Policy relating to cumulative impact should be adopted.

- 5.12 The effect of a Cumulative Impact Policy would be that applications for new Premises Licences or Club Premises Certificates would normally be refused if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved would not add to the cumulative impact already being experienced.
- 5.13 Applicants would need to address the Cumulative Impact Policy issues in their Operating Schedules.
- 5.14 In order to adopt a Cumulative Impact Policy, the Licensing Authority will:
- Identify concern about crime and disorder or public nuisance.
 - Consider whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises. If so, identify the area from which problems are arising or whether risk factors are such that the area is reaching a point when a cumulative impact is imminent.
 - Consult with relevant bodies.
 - Include the Cumulative Impact Policy in the Licensing Policy.
 - Publish the Cumulative Impact Policy.
- 5.15 The absence of a Cumulative Impact Policy does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a Licence on the grounds that the premises will give rise to a negative or adverse cumulative impact on one or more of the Licensing Objectives.

Relevant Section of 182 Guidance, Part 2.1 to 2.18
Appendix 5

2. The licensing objectives

CRIME AND DISORDER

2.1 The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities may be carried on. Licensing authorities should therefore look to the police as the main source of advice on these matters. They should also seek to involve the local CDRP, as recommended in paragraph 1.21 of this Guidance.

2.2 The Government's expectation is that the police will have a key role in undertaking the following tasks:

- developing a constructive working relationship with licensing authority licensing officers and bodies such as the local authority social services department, the Area Child Protection Committee or another competent body;
- developing a constructive working relationship with designated premises supervisors and other managers of premises, including premises providing late night refreshment;
- advising, where necessary, on the development of a venue drug policy;
- developing a constructive working relationship with the Security Industry Authority including joint visits and enforcement action where appropriate;
- agreeing the protocols for actions taken by door supervisors in relation to illegal drugs or violent behaviour, particularly when police officers should be called immediately;
- advising on and approving search procedures and the storage procedures for confiscated drugs;
- gathering and sharing intelligence on drug dealing and use with partner organisations and local venues;

- advising on the installation and monitoring of security devices such as CCTV;
- advising on the provision of safe and accessible transport home in consultation with community safety colleagues, local transport authorities and transport operators;
- working with venue owners and managers to resolve drug-related problems and problems of disorder, drunkenness and anti-social behaviour; and
- advising on the protection of employees on licensed premises who may be targets for attacks and reprisals.

2.3 The Security Industry Authority also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity and that door supervisors are properly licensed. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. In the exercise of their functions licensing authorities should seek to co-operate with the SIA as far as possible and consider adding relevant conditions to licences where necessary and appropriate.

2.4 The essential purpose of the licence or certificate in this context is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of, the premises as they seek to enter or leave.

- 2.5 Licence conditions should not replicate licensing offences that are set out in the 2003 Act. For example, a condition that states that a licence holder shall not permit drunkenness and disorderly behaviour on his premises would be superfluous because this is already a criminal offence. A condition that states that a licence holder shall not permit the sale of controlled drugs on the premises would be similarly superfluous.
- 2.6 Conditions are best targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television cameras both inside and immediately outside the premises can actively deter disorder, nuisance and anti-social behaviour and crime generally. Some licensees may wish to have cameras on their premises for the protection of their own staff and for the prevention of crime directed against the business itself or its customers. But any condition may require a broader approach, and it may be necessary to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.7 Similarly, the provision of requirements for door supervision may be necessary to ensure that people who are drunk or drug dealers or carrying firearms do not enter the premises, reducing the potential for crime and disorder, and that the police are kept informed.
- 2.8 Text and radio pagers allow premises licence holders, designated premises supervisors and managers of premises and clubs to communicate instantly with the local police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises. The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises.
- 2.9 Some conditions primarily focused on the prevention of crime and disorder will also promote other licensing objectives. For example, a condition requiring that all glasses used on the premises for the sale of alcoholic drinks should be made of plastic or toughened glass or not allowing bottles to pass across a bar may be necessary to prevent violence by denying assailants suitable weapons, but may also benefit public safety by minimising the injury done to victims when such assaults take place (for example, facial injuries resulting from broken glass).
- 2.10 A condition must also be capable of being met. For example, while beer glasses may be available in toughened glass, wine glasses may not. Licensing authorities should carefully consider conditions of this kind to ensure that they are not only necessary but both practical and achievable.
- 2.11 Similarly, although most commonly made a condition of a licence on public safety grounds, licensing authorities should also consider conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding likely to lead to disorder and violence. If such a condition is considered necessary, the licensing authority should consider whether door supervisors are needed to control numbers.

circumstances, the laws governing indecency and obscenity are adequate to control adult entertainment involving striptease and lap-dancing which goes beyond what is lawful. Accordingly, conditions relating to the content of such entertainment which have no relevance to crime and disorder, public safety, public nuisance or the protection of children from harm could not be justified. In this context, however, it should be noted that it is in order for conditions relating to the exclusion of minors or the safety of performers to be included in premises licence or club premises certificate conditions where necessary. The Local Government (Miscellaneous Provisions) Act 1982 insofar as its adoptive provisions relate to sex establishments – sex shops, sex cinemas and in London sex encounter establishments – also remains in force.

- 2.18 Guidance to the police on powers to close premises (formerly Chapter 11 of this Guidance) can now be found on the DCMS website at www.culture.gov.uk.