



Statutory Licensing Sub-Committee

Date Tuesday 10 April 2018
Time 10.00 am
Venue Committee Room 2, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 5 December 2017, 19 December 2017 and 9 January 2018 (Pages 3 - 28)
5. Application to Transfer a Premises Licence - Best Kebab One, 1a Fore Bondgate, Bishop Auckland (Pages 29 - 46)
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
29 March 2018

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

Councillors D Bell, G Darkes, A Hopgood, L Marshall and I McLean

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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 5 December 2017 at 10.00 am**

Present:

Councillor L Marshall (Chair)

Members of the Committee:

Councillors C Hampson and M Wilson

Also Present:

Councillor Liz Brown

Gill Proud – Solicitor (DCC)

Yvonne Raine – Senior Licensing Officer

On behalf of Applicants:-

Duncan Moss – Chair

Robert Edmondson – Treasurer

Dawn Wright – Child Welfare Officer

Paula Swindale – Development Officer

1 Apologies for Absence

Apologies for absence were received from Councillors C Carr, D Bell and D Hicks.

2 Substitute Members

Councillor Hampson substituted for Councillor Bell and Councillor Marshall for Councillor Carr.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 31 October 2017 were agreed as a correct record and were signed by the Chair.

5 Application for the Grant of a Premises Licence - Sedgefield Cricket Club, Station Road, Sedgefield

The Committee considered a report of the Senior Licensing Officer regarding an application for the grant of a Premises Licence in respect of Sedgefield Cricket Club, Station Road, Sedgefield (for copy see file of Minutes).

The application and supporting information had been circulated to Members. The Sub-Committee was informed that the 'other persons' listed in the report were unable to attend and Members were asked to take into account their written representations. Gill Proud, Solicitor referred Members to a letter received from 'other person' Mr Brown who considered that the amended application addressed residents' concerns. However Mr Brown had understood that the licensing hours for all events would be restricted to 11.00pm Monday to Sunday which was not the case, and the Sub-Committee was therefore advised to consider his letter as an objection to the application.

Dawn Wright, Paula Swindale, Robert Edmundson and Duncan Moss were in attendance on behalf of Sedgefield Cricket Club.

Dawn Wright (Social Lead) advised that Sedgefield Cricket Club was a community asset and an important part of the village. The Club was a not for profit organisation which was self-funding and managed by a Management Committee who were all volunteers. Costs had increased and the social aspect of the Club was vital to maintain the facilities for both young people and adults.

The Club had 250 members in total, 125 of which were adults. An increasing number of non-members visited the Club who were required to sign the visitor's book. The Club appreciated the concerns of residents and had taken into account all of the objections submitted. The Management Committee took their positions seriously and responded to any issues quickly. During the application process the Club had complied with requests for additional conditions by the Police, Environmental Health and the Local Safeguarding Children's Board. A CCTV system was in place both inside and outside the premises, and training procedures and a refusals register would be implemented. On the advice of the Police the Club had joined the Pubwatch Scheme.

The premises had held a Club Premises Certificate for 30 years without problem and had submitted the application for a Premises Licence following a malicious attempt by an individual to ruin an event, which had highlighted weaknesses in their operations. The Club had no intention of changing how it operated presently, holding functions such as weddings and birthdays. One objector had stated that the Club would become a social club but Mrs Wright assured Members that it would not. The application was to ensure that the Club fully complied with licensing requirements.

Addressing the licensing objectives on which the objections were based, crime and disorder and the prevention of public nuisance, Mrs Wright advised that in addition to the CCTV system the premises were fitted with alarms, external lights and shutters. The Club would introduce a policy in relation to serving customers who

were intoxicated and Challenge 25. Notices were placed on the premises requesting customers to leave quietly; the Committee was already stoic about this and the sounding of car horns. Ongoing training was given to staff and a full-time employee worked behind the bar at all times. The refusals register would be maintained and available for inspection as required.

Paula Swindale (Club Development Officer), echoed the comments of Mrs Wright. The Club had been gifted to the community in the mid-1950s for the purposes of playing cricket and the social events contributed substantially to running costs. The Management Committee respected the concerns of neighbouring residents but wanted to re-assure them that the Club was not changing the way it operated.

Following a question from Councillor Brown about the proximity of the premises to residents following the proposed works, Members were provided with a floor plan and were shown the location of the new entrance at the south gable end which would be approximately 10ft closer to the bungalows. The existing entrance was no longer suitable in terms of access and would be replaced with bi-folding doors to allow children and disabled people to view matches from inside the premises. The doors would be of an improved quality with better sound-proofing. Outdoor events would be held in a mini marquee accessed through the bi-folding doors onto the patio area. One objector had stated that many events had been held outside in the last year, but there had been four, with only one including live music.

Following a request for clarification from the Solicitor, Mrs Swindale confirmed that there would be no change to the existing licensed areas following the works. This was clarified by reference to the floor plan.

In response to a question from Councillor Wilson about the Personal Licence Holder, the Senior Licensing Officer advised that Mr Lower had been named as Designated Premises Supervisor but that he was not a Personal Licence Holder. If granted, in order to operate under the Premises Licence, the Club would need to identify a Designated Premises Supervisor who was a Personal Licence Holder and apply to the Authority to vary the Premises Licence once a DPS had been identified. In the interim period, no sales of alcohol could take place under the Premises Licence and the Club must operate under the Club Premises Certificate.

Councillor Brown referred to the current sign-in procedure for non-members and was informed that the Club had tightened its procedures in this regard.

Following a question from Councillor Hampson, the Sub-Committee was informed that plastic glasses were not used on the patio area but that regular glass collection was insisted upon.

At 10.50am the Sub-Committee **Resolved** that the press and public be excluded from the meeting to allow Members to deliberate the application in private.

After re-convening at 11.15am the Chair delivered the Sub-Committee's decision. In reaching their decision Members had taken into account the report of the Senior Licensing Officer, the written representations of the 'other persons' and the verbal representations of the Cricket Club representatives. The Sub-Committee had also

considered 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:-

Supply of Alcohol (for consumption on & off the premises):

Monday to Thursday: 11:00 to 23:30 hrs

Friday and Saturday: 11:00 to 00:30 hrs

Sunday: 12:00 to 23:00 hrs

Bank Holidays, Christmas Eve and New Year's Eve: Extension of one additional hour

Opening Hours:

Monday to Thursday: 11:00 to 00:00 hrs

Friday and Saturday: 11:00 to 01:00 hrs

Sunday: 12:00 to 23:30 hrs

Bank Holidays, Christmas Eve and New Years Eve: Extension until 01:30 hrs

Plays, Films & Indoor Sporting Events (Indoors only):

Monday to Thursday: 11:00 to 23:30 hrs

Friday and Saturday: 11:00 to 00:30 hrs

Sunday: 12:00 to 23:00 hrs

Live Music (Indoors):

Monday to Saturday: 11:00 to 23:00 hrs

Sunday: 12:00 to 23:00 hrs

New Years Eve: Extension of hours until 01:00 hrs

Live Music (Outdoors):

Monday to Sunday: 11:00 to 23:00 hrs – Limited to two outdoor events per year

Recorded Music (Indoors):

Monday to Thursday: 11:00 to 23:30 hrs

Friday and Saturday: 11:00 to 00:30 hrs

Sunday: 12:00 to 23:00 hrs

New Years Eve: Extension of hours until 01:00 hrs

Recorded Music (Outdoors):

Monday to Sunday: 11:00 to 23:00 hrs – Limited to two outdoor events per year

Performance of Dance (Indoors):

Monday to Thursday: 11:00 to 23:30 hrs

Friday and Saturday: 11:00 to 00:30 hrs

Sunday: 12:00 to 23:00 hrs

Performance of Dance (Outdoors):

Monday to Sunday: 11:00 to 23:00 hrs – Limited to two outdoor events per year

Anything Similar to Live Music, Recorded Music or Performance of Dance (Indoors):

Monday to Thursday: 11:00 to 23:30 hrs

Friday and Saturday: 11:00 to 00:30 hrs

Sunday: 12:00 to 23:00 hrs

Anything Similar to Live Music, Recorded Music or Performance of Dance (Outdoors):

Monday to Sunday: 11:00 to 23:00 hrs – Limited to two outdoor events per year

Late Night Refreshment (Hot drinks and/or Hot food after 23:00 hrs) (Indoors & Outdoors):

Monday to Thursday: 23:00 to 23:30 hrs

Friday and Saturday: 23:00 to 00:30 hrs

Sunday: 23:00 to 23:30 hrs

The Sub-Committee considered the proportionality of the conditions proposed by the Police, Environmental Health and the Local Safeguarding Children Board and were satisfied that having heard representations from the Applicant, together with the written representations it was appropriate to impose those conditions into the licence in order to promote one or more of the four licensing objectives.

The Additional conditions as agreed between the parties be as follows:-

A) **General**

1. Staff will be fully trained on all of the Club's policies and procedures. All training records will be made available to officers when requested.

B) **The prevention of crime and disorder**

1. No serving of alcohol to any person who appears to be drunk.
2. Full initial staff training to be carried out by DPS to ensure no alcohol is sold to anyone underage and refresher training to be carried out every six months.
3. 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.
4. CCTV will be provided in the form of a recordable system, capable of providing pictures particularly facial recognition. Cameras shall encompass

all entrances and exits to the premise, where the sale/supply of alcohol occurs.

5. The majority of staff will be trained to operate the CCTV system; this is to include viewing and downloading of the system. Regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by police or other relevant officers of a responsible authority.
6. All footage will be kept on the system for at least 28 days and will be made available to officers and responsible authorities when requested to do so.

C) **Public safety**

1. Fire exits and equipment will be clearly marked.
2. All staff will be made aware of requirements regarding health and safety.
3. First aid facilities will be available.
4. An incident log will be kept at all times.

D) **The prevention of public nuisance**

1. Groups of people will be discouraged from congregating outside the premises.
2. Signage will be displayed encouraging customers to leave quietly.
3. A rubbish bin will be placed outside of the front of the premises and customers will be encouraged to use it. At the end of business staff will ensure that litter is collected from the front of the premises and the immediate vicinity.

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

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

Additional conditions added by applicant following mediation with Local Safeguarding Children Board

- 1 Verification of age – safeguards to be in place to see that alcohol is not served to or purchased on behalf of under age children. A ‘Challenge 25’ age verification policy is operated which requires anyone looking under the age of 25 to produce photographic evidence of proof of age from a passport, driving licence or PASS accredited scheme before any alcohol is supplied. The actions of staff operating the policy to be regularly monitored.
- 2 Minimise the risk of proxy sales – the applicant will work with the police to minimise the risk of proxy provision/proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).
- 3 Maintain a refusals register/incident log – where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register/log to be updated. The register to be made available to the police on request.
- 4 Training of staff – all staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

Additional condition added by applicant following mediation with Environmental Health

During periods of regulated entertainment, a noise management plan shall be implemented for both indoor and outdoor events. The noise management plan shall document and should demonstrate best practicable means are being utilised to minimise noise impact on the surrounding area.

The Sub-Committee also considered the conditions suggested by the Applicant within the Operating Schedule of the application and believed it was necessary and proportionate to impose these condition on the licence as follows:

a) General

1. CCTV is to be installed both externally and internally to club premises.
2. Individuals who have been drinking alcohol will not be allowed to play cricket.
3. General staff training to be given and regularly reviewed with particular attention to identifying under 18 year olds and not serving them with alcohol.

b) The prevention of crime and disorder

1. An alarm is installed to protect the premises when closed.

2. Rear door and window has electric shutters installed and closed when premises are closed.
3. External lights operate on timer to illuminate during hours of darkness.

c) **Public safety**

1. The club will complete a Fire Risk Assessment and carry out regular reviews.
2. The club will take every opportunity to manage customers leaving the club who are likely to make noise.
3. All parts of the building will be maintained and tested as appropriate and kept in good order and in safe condition.
4. The club will provide adequate access at all times for emergency vehicles.

d) **The prevention of public nuisance**

1. Deliveries necessary for the operation of the club will be carried out at such a time and in such a manner as to prevent nuisance or disturbance to nearby residents.
2. Notices to be displayed prominently and clearly at the exit points requesting the public to leave quietly and respect the nearby residents.
3. Noise reduction measures to be addressed during renovation works to reduce nuisance to public.

e) **The protection of children from harm**

1. Appointment of child welfare officers, trained to meet the “safe hands” standards issued by the English Cricket Board.
2. “Challenge 25” sign to be visible – encouraging anyone over 18 years but looking under 25 years to carry acceptable ID if they wish to buy alcohol.
3. Training to be given to staff regarding the requirement for persons ID, age establishment.
4. Copy of Cricket Club’s Safeguarding Policy Statement enclosed.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Tuesday 19 December 2017 at 10.00 am**

Present:

Councillor P Crathorne (Chair)

Members of the Committee:

Councillors P Atkinson and J Blakey

Also Present:

Councillor D Brown

Councillor G Darkes (for item 4)

K Robson – Senior Licensing Officer

K Coulson-Patel – Solicitor, DCC

D Swinburn – Applicant's Solicitor, Spennymoor Town Football Club

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

Councillor Darkes declared an interest in the application for the grant of a premises licence in respect of Spennymoor Town Football Club and took no part in the consideration of the application. The Councillor was a member of Spennymoor Town Council who were the owners of the premises.

4 Application for the Review of a Premises Licence - Vine Stores, 42 Middle Street, Blackhall

The Senior Licensing Officer informed Members that the applicant's Solicitor had requested an adjournment as his client was unable to attend the hearing due to ill health. Medical evidence had been received confirming this which was circulated to Members for information.

Resolved:

That the hearing be adjourned.

5 Application for the Grant of a Premises Licence - Spennymoor Town Football Club, Brewery Field, Durham Road, Spennymoor

The Committee considered a report of the Senior Licensing Officer regarding an application for the grant of a Premises Licence in respect of Spennymoor Town Football Club, Brewery Field, Durham Road, Spennymoor (for copy see file of Minutes).

A copy of the application and supporting documents had been circulated to Members. The Senior Licensing Officer advised that Environmental Health had withdrawn their objection following mediation with the applicant's Solicitor. Details of the proposed amendments to the application together with the proposed Noise Management Plan had been circulated to all parties. Members were also informed that other persons Mr and Mrs Suffield had withdrawn their objections following a meeting with the applicant. The one remaining objection was other person Mr Purvis who was not in attendance and who had not engaged with the Licensing Authority since the submission of his representations.

Debra Swinburn, the applicant's Solicitor was invited to address the Sub-Committee. Members were informed that the original application had been amended to take into account concerns. Referring to the representations by Mr Purvis about the impact of noise, traffic, parking and drunken behaviour in a built up area with elderly accommodation and young families, the Solicitor believed that these concerns had been taken on board and addressed in the amended application, which demonstrated an ongoing willingness to engage with residents. The Football Club was a community facility for all residents. The Solicitor offered to advise Members how each of the concerns had been addressed in the amended application which she considered promoted the licensing objectives and was in line with Council policy.

In response to a question from Councillor Blakey regarding the age of the residential properties surrounding the Club, Members were informed that some properties had been erected in the last 2 or 3 years but others such as Tees Crescent had been there for many years. The Football Club had been in the location since 1901. An acoustic fence had been erected to mitigate against noise with ongoing improvements to the ground to facilitate the Club's activities and to provide a community facility.

Following a further question from Councillor Blakey about the nature of events to be held by the Club, Members were informed that functions would include, for example, family fun days and a music festival. There were no specific functions planned but the Noise Management Plan required the Club to engage with local residents when organising events.

Councillor Brown asked if there had been any complaints received from residents in the past. The applicant's Solicitor advised that she was not aware that any had been made to the Club, and Members were informed by the Senior Licensing Officer that none had been received by Environmental Health in connection with noise. However, in view of the proposal for outdoor events a Noise Management Plan had been required as part of the mediation with Environmental Health.

The applicant's Solicitor was invited to sum up but had nothing further to add.

At 10.20am the Sub-Committee **Resolved** to retire to deliberate the application in private. After re-convening the hearing at 10.30am the Chair delivered the Sub-Committee's decision.

In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer and additional information, the written representations of 'other person' Mr Purvis and the verbal and written representations of the applicant's Solicitor. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the Premises Licence be granted as follows:

Activities	Days & Hours Requested
Sale by retail of Alcohol (on and off sales)	Monday to Saturday including bank holidays 10:00 until 23:30 hrs, Sunday 10:00 until 23:00 hrs. No alcohol will be permitted outside after 23:00 hrs Monday to Saturday including bank holidays and Sunday after 22:30 hrs.
Regulated Entertainment including Live Music (Indoors)	Monday to Sunday including Bank Holidays 10:00 until 23:00 hrs.
Regulated Entertainment including Recorded Music Performance of Dance, anything of a similar description (Indoors)	Monday to Sunday including Bank Holidays 10:00 until 00:00 hrs
Regulated Entertainment including Live Music & Recorded Music Performance of Dance, anything of a similar description (Outdoors)	Monday to Saturday including Bank Holidays 10:00 until 23:00 hrs, Sunday 10:00 until 22:30 hrs. Be limited to four times per year.
Indoor Sporting Events	Monday to Saturday 10:00 until 00:00 hrs, Sunday until 23:30 hrs.
Late Night Refreshment (Indoors)	Monday to Saturday 23:00 until 00:00 hrs and Sunday until 23:30 hrs.
Opening Hours	Monday to Sunday 10:00 hrs until 00:00 hrs

The following additional conditions be included following mediation with Durham Constabulary:-

The prevention of crime and disorder

- i. 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.
- ii. 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.
- iii. CCTV will be fully installed and working within 6 months of the licence being granted. It will be provided in the form of a recordable system, capable of providing pictures of evidential quality.
- iv. Cameras shall encompass the inside and outside of all entrances and exits to the clubhouse/permanent buildings and all areas where the sale/supply of alcohol occurs.
- v. Equipment must be maintained in good working order, be correctly time and date stamped and kept for a period of 28 days.
- vi. The Premise Licence Holder must ensure at all times the DPS or appointed member of staff is capable and competent at viewing the CCTV and downloading the footage onto a disc, hard drive or memory stick when requested to do so by the police/local authority.
- vii. 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.
- 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.
- ix. If door supervisors are used an operational daily log must be kept documenting door supervisor information. This is to include full name, date of birth, full badge number, contact phone number, security companies' name and start and finish times.
- x. No glass bottles/containers to be taken outside, all will be decanted into plastic glasses.

Public safety

- i. Fire exits and fire equipment clearly marked.
- ii. All staff must be aware of requirements regarding health and safety.
- iii. First aid facilities will be available.

- iv. An incident log will be kept at all times.

The protection of children from harm

- i. A proof of age policy in place for people under 25 years of age via the Challenge 25 scheme.
- ii. The only forms of identification which will be accepted are a passport, a photo driving licence and 'PASS' hologram ID.
- iii. A refusal register will be kept and endorsed after every sale refused, this is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales).

The following additional conditions be added following mediation with the Local Safeguarding Children's Board:-

General

- i. Training of staff – all staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

The following additional conditions be added following mediation with Environmental Health:-

- i. The Provision of Live Music, Recorded Music, Performance of Dance, Anything of a Similar Description be limited to 4 outside events per year.
- ii. During periods of regulated entertainment a noise management plan shall be implemented for outdoor music events including those taking place in a tent. The noise management plan shall document and demonstrate how compliance with the Noise Council 1995 'Code of Practice on Environmental Noise Control at Concerts' will be achieved to minimise noise impact on residents of the surrounding area. The Noise Management Plan shall be submitted to the licensing authority for approval no later than 14 days prior to the first event each year.
- iii. Where a music event is due to take place the licensee shall appoint a suitably qualified and experienced noise control consultant to the approval of the Licensing/Noise Regulatory Authority no later than six weeks prior to the event. The noise control consultant shall liaise between all parties including the Licensee, promotor, sound system supplier, sound engineer and the Licensing/Noise Regulatory Authority etc. on all matters relating to noise control prior to and during the event.
- iv. A noise propagation test shall be undertaken at least two hours prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar

manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced during the event.

The following conditions be included in the Operating Schedule:-

General

- i. Fully trained staff who will promote measures to support all licensing objectives.
- ii. Policies and procedures in place to ensure safety of all patrons and interested parties.
- iii. Maintain property, inside and out, including relevant signage and litter bins to promote all licensing objectives.
- iv. Applicants' willingness to co-operate with all interested parties to promote licensing objectives.

The Prevention of Crime and Disorder

- i. Evidence of age identification procedures in operation – support of challenge 25 policy.
- ii. Fully trained bar staff employed to ensure safety and discourage anti-social behaviour.
- iii. All staff will be trained in responsible service.
- iv. Risk assessments and training procedures to prevent use or supply of illegal drugs.
- v. Applicant willing to participate in pubwatch scheme.
- vi. Promote strong links with community.

Public Safety

- i. Fully trained bar staff will be employed.
- ii. Control on number of patrons.
- iii. Risk assessments and training procedures will be operated to monitor physical state of building and outside areas.
- iv. Staff trained in first aid.

- v. Electrical and fire safety monitored with electrical checks and fire equipment in place.

The Prevention of public nuisance

- i. Provisions of litter bins and ashtrays outside.
- ii. Adequate car parking, bus stops and taxis available in the area.
- iii. Adequate level of lighting outside.
- iv. Applicant willing to participate in pubwatch scheme.
- v. Provisions for signs to remind customers to leave quietly.

The Protection of Children from Harm

- i. Fully trained staff with knowledge of licensing objectives and provisions.
- ii. Bar staff trained in responsible service and evidence of age identification procedures in operation – support of challenge 25 policy.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 9 January 2018 at 10.00 am**

Present:

Councillor L Marshall (Chair)

Members of the Committee:

Councillors P Crathorne and C Hampson

Also Present:

Yvonne Raine – Senior Licensing Officer
Karen Robson – Senior Licensing Officer
Stephen Buston – Solicitor – DCC

Steam Machine Durham Ltd

Nicholas Smith – applicant
Tom Smith – applicant
Glenn Robson – applicant
James McLaughlin – other person
Josh Borrow – other person
Charles Elliott – other person
Elizabeth Elliott – other person

Vine Stores

Nicola Anderson – Licensing Team Leader, applicant
Andrew Cook – Trading Standards, Responsible Authority
Balraj Singh – Premises Licence Holder
Mr Lalli – Licence Holder's Solicitor

1 Apologies for Absence

Apologies were absence were received from Councillors D Bell, A Hopgood and J Maitland.

2 Substitute Members

Councillor Crathorne substituted for Councillor Bell.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Steam Machine Durham Ltd, Rear of 85 New Elvet, Durham

The Sub-Committee considered a report of the Senior Licensing Officer regarding an application for the grant of a Premises Licence in respect of Steam Machine Durham Ltd, rear of 85 New Elvet, Durham (for copy see file of Minutes).

A copy of the application and supporting documentation had been circulated to Members, together with additional information from other persons Mr and Mrs Elliott. Members were informed that the applicants had brought additional information to the hearing and it was suggested that in view of the late submission that the information be included in the verbal representations of the applicants. A plan showing the licensed area, position of the CCTV and entrance to the premises was circulated to all parties.

Yvonne Raine, Senior Licensing Officer presented the report and informed Members that the residents from Orchard House who had made representation were not in attendance. In response to questions from Stephen Buston, Solicitor, the Senior Licensing Officer informed members of the operating hours of the licensed premises adjacent to Steam Machine and that there had been no problems reported in respect of the applicants' premises in Newton Aycliffe.

Other persons Mr and Mrs Elliott were invited to address the Sub-Committee. Mr Elliott considered that the proposed use of the premises would be in conflict with the provisions of the lease, and was advised by the Solicitor that this was a private issue between the parties and was not for consideration within the licensing regime.

Mr Elliott stated that as landlords they had a duty of care to the six students who occupied the upstairs flat at no. 85. The street door was kept locked at all times with keypad access and they were concerned that it should be opened for general access.

The utility meters were located in a cupboard in the passageway and Mr and Mrs Elliott were concerned about the potential for damage if the cupboard door was left open. In addition there was only a single supply of water to the properties.

Following questions from Stephen Buston, Members were advised that there were three sensor operated lights in the passageway and the passageway was less than 100m in length.

Mr and Mrs Elliott concluded by stating that their concerns rested with the premises not the business.

Mr Tom Smith, applicant was invited to address the Sub-Committee. He stated that the business had been established a few years ago with a vision to bring premium beer to the north east, offering a calm and welcoming atmosphere. Their first premises in Newton Aycliffe had been operating successfully for over a year and Steam Machine had worked with DCC at the brass festival and the food festival, and had a pop-up bar at the Empty Shop in the City Centre for a few months. During this time they had an excellent response from the people of Durham, some

of whom had said that they had not had somewhere to visit for a drink in a long time and had welcomed the move to the new premises. Their prices per unit were higher than recommended by Durham's Licensing Framework.

Bill Free Homes had invited the company to use the property and they were liaising with them in respect of the lease.

Turning to the concerns of the objectors, Mr Smith advised that a Health and Safety Officer from DCC had said that there was no reason why the rear of 85 could not be used as a bar and that the passageway was wheelchair accessible. There was existing lighting but additional lighting would be provided as required by the Fire Authority.

With regard to access to the student accommodation, his understanding was that there was a door in the passageway with keypad access and each flat also had its own locked door.

He was working with Bill Free Homes on the location of the bin storage, and in terms of the water supply, the bill would be calculated and divided between the two floors by Bill Free Homes.

A Heritage Statement had been written as part of the planning application which had revealed the former uses of the building and they wanted to be sensitive to this in their design.

The company had held 17 temporary events on site without any complaints but they were working with Environmental Health to mitigate the potential for any noise nuisance.

Councillor Hampson sought clarification about the playing of music on the premises and was advised that recorded music was proposed, and occasionally acoustic, but there were no plans for any amplified music as this did not encourage conversation. The doors and windows would be kept closed during the playing of music.

Following a question from Councillor Crathorne about the safety of members of the public in the passageway, the Member was informed that the Alcohol Harm Reduction Unit had asked for a condition that cameras be installed in the passageway which could be monitored in the bar area. Councillor Crathorne was concerned that there may be large numbers of young people using the passageway, especially when the premises first opened. Mr Smith advised that although the maximum capacity had not been specified by the Fire Authority as yet the premises could not accommodate large numbers of people. The company had its own policies and procedures for dealing with public safety and nuisance.

Councillor Hampson asked if the door to the passageway would only be open during opening hours and Mr Smith confirmed that this was the case.

Mr James McLaughlin spoke in support of the application stating that there were always concerns about young people in City Centres where there were lots of larger premises selling cheaper alcohol. There had been no problems in the premises in Newton Aycliffe because there were other venues that were more attractive to younger people.

Mr Josh Borrow who was also in support of the application advised that during the temporary events when the pop-up bar was open the passageway had not caused any problems, and three people were able to walk along it side-by-side.

At 11.05am the Sub-Committee **Resolved** to adjourn the hearing to allow Members to deliberate the application in private. After re-convening at 11.25am the Chair delivered the Sub-Committee's decision.

The Sub-Committee in reaching its decision had considered the report of the Senior Licensing Officer and additional information, and the verbal and written representations of the applicant, supporters 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 be granted as a follows:-

Activity	Days and Hours
Opening hours	Monday to Sunday 12.00 to 00.00 hours Bank Holidays 12.00 to 01.00 hours
Sale of Alcohol (consumption on and off the premises)	Monday to Sunday 12.00 to 23.30 hours Bank Holidays 12.00 to 00.45 hours
Recorded music (indoors)	Monday to Sunday 12.00 to 00.00 hours Bank Holidays 12.00 to 01.00 hours

That the following conditions be imposed upon the licence:-

General

- a) We will hold the four 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.

- b) Authorised staff employed by Durham Police shall have free access to all parts of the licensed premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives. All staff training records will be signed, held 'on-site' and made available to Responsible Authorities on request.
- c) Written protocols will be in place detailing Policies, Procedures, Roles and Responsibilities in the effective implementation and management of the licensing objectives. This documentation will be held 'on-site' and made available to Responsible Authorities on request.
- d) The premises will provide written evidence of the maximum capacity for the premises and this will be displayed at all entrances and exits. This capacity will be confirmed and set by County Durham and Darlington Fire and Rescue Authority.

The Prevention of Crime and Disorder

- a) The area in which the public will be permitted access will be constantly manned whilst the premises is open to the public.
- b) There is CCTV in operation outside the premises.
- c) Full initial staff training to be carried out by the DPS to ensure no alcohol is sold to anyone underage, and refresher training to be carried out every six months.
- d) 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.
- e) Cameras shall encompass the inside and outside of all entrances and exits to the premises, smoking area, beer gardens and all areas inside the premises where the sale/supply of alcohol occurs.
- f) Notices will be clearly displayed at the entrance and around the premises stating that CCTV is in operation.
- g) All footage will be kept on the system for at least 28 days and made available to officers and responsible authorities when requested to do so via USB or disk.
- h) All staff will be trained to operate the CCTV system, this is to include viewing and downloading of the system. Regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request from police or other relevant officers of a responsible authority.

- i) In addition there will be no silly drinks promotions, as these promote irresponsible drinking.

Public Safety

- a) The premises will maintain an incident book and record/report all instances of disorder both inside and directly outside the premises. This documentation will be held 'on-site' and made available to responsible authorities on reasonable request.
- b) Good housekeeping procedures will be implemented and will include keeping the outside of the premises clean and free from rubbish including the premises frontage and any designated smoking area.
- c) Staff training of fire safety equipment and fire extinguishers to be serviced annually.
- d) Zero tolerance to drugs.

The Prevention of Public Nuisance

- a) The DPS will actively work with local Beat Officers/PCSO's in the reporting of any ASB connected to the premises.
- b) The licensee shall display prominent notices in appropriate positions within the premises reminding customers to leave quietly.
- c) Doors and windows will be kept closed whilst live music is being played.
- d) Glass will be allowed outside with signs and notices displayed to inform customers not to leave the premises with glassware and will be monitored by staff.

The Protection of Children from Harm

- a) The premises will operate a Challenge 25 Scheme – notices setting out this policy will be displayed at all points of sale and within the premises.
- b) No person under the age of 18 years old will be permitted to consume alcohol on the premises.
- c) All staff involved in the sale of alcohol shall be properly trained in accordance with the Premises Licence Holder's own training programme and staff will complete refresher training every 12 months. The programme must include Child Sexual Exploitation training. These training records will be made available for inspection by police or an authorised officer on reasonable request.
- d) A 'Refusals Register' will be held within the premises and all refusals will be logged along with any behaviour associated with the refusal. All staff will be

trained in its use. The Refusals Register will be made available to relevant authorities on request.

5 Application for the Review of a Premises Licence - Vine Stores, 42 Middle Street, Blackhall

The Sub-Committee considered a report of the Senior Licensing Officer regarding an application for the review of a Premises Licence in respect of Vine Stores, 42 Middle Street, Blackhall (for copy see file of Minutes).

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

In presenting the report Karen Robson, Senior Licensing Officer advised that Mr Barry of the Local Safeguarding Children's Board was unable to attend the hearing but a representative was available should Members have any questions of the written submissions.

Nicola Anderson, Licensing Team Leader addressed the Sub-Committee as applicant, and took Members through the grounds for the review application which were set out in pages 80-81 of the Bundle of Evidence.

Mr Andrew Cook from Trading Standards Officer was invited to speak to his statement and evidence in connection with illicit tobacco found on the premises, details of which were given in pages 91-93 of the Bundle.

In response to a question from Mr Lalli, the Licence Holder's Solicitor, Mr Cook confirmed that the Inspecting Officer had been shown a copy of invoices for the period June to October but he could not personally confirm that these reflected the sale of cigarettes.

Mr Lalli asked if there were any reports from the Police in relation to criminal activity at 42 Middle Street, Blackhall and Mr Cook advised that he was not aware of any but that the possession of illicit tobacco was an offence.

The Solicitor also asked if there were any concerns reported about the sale of age related products to children and was informed by Mr Cook that he was not aware of any and that no test purchases had been carried out.

At the request of Stephen Buston, Legal Adviser to the hearing, confirmation was given that Mr Singh's wife had never been the DPS. Mr Lalli asked if there was any documentary evidence that Mr Singh had told the Inspecting Officer that his wife was the DPS as it was not recorded in the Officer's notebook entry at page 89. Nicola Anderson clarified that the notebook entry was from the further inspection on 30 October when the Officer sought clarification of the different names given on the Licences.

Mr Lalli referred to the Licensing Team Leader's representations which stated that there was no incident book. By way of clarification Mr Lalli explained that a refusals book had been maintained since 2004 which had been produced during the

inspection in August 2017 and had been signed and checked by an Officer. There had been some refusals since then which had been checked and signed by a PCSO. The book was shown to Members.

At this point Mr Lalli addressed the Sub-Committee on behalf of Mr Singh. He advised that it was always Mr Singh's intention to return to 44 Middle Street. An application had been made on 6 July 2015 for a Premises Licence for 42 Middle Street by his agent John Ives which included a consent for him being specified as DPS. The subsequent letter referred to in the Bundle of Evidence which was sent to his agent was never passed to Mr Singh. As soon as Mr Singh became aware he made application and displayed the summary sheet. 44 Middle Street was undergoing a full re-fit and he had hoped that the works would be completed before the hearing but there had been some slippage. Mr Singh had borrowed money to complete the works which included fittings, signage, lighting and CCTV.

Because of the cost of the works he had not been able to install CCTV at 42 Middle Street and as soon as the works were completed he would surrender his tenancy. Rather than take no action or revoke the Licence, Mr Lalli urged Members to give him the opportunity to complete the works and then re-assess the position when he was in occupation of 44 Middle Street.

A floorplan was provided for information and Mr Lalli explained the shop layout which would ensure that confectionary was not located in close proximity to alcohol. On completion of works to the joists in the premises, CCTV would be installed in the stock room, the loading area to the rear and to the front of the premises. Mr Lalli offered a site visit if Members wished to view the extent of the works.

Mr Singh was taking his responsibilities seriously. There had been no direct reports of anti-social behaviour in respect of 42 Middle Street, a refusals register was maintained and there had been no concerns raised about under-age sales or public safety. Residents had submitted a petition in support of the premises staying open.

Mr Singh hoped that he could retain his licence and the Sub-Committee was asked to adjourn the hearing and review the position in 12 weeks. He was willing to undergo a further inspection now, or following the works.

Councillor Crathorne asked why Mr Singh had not implemented the procedures detailed in the review application, given that the Premises Licence had been granted in 2015 and a visit in August 2017 had identified these failings. Mr Lalli explained that he had asked that of the licence holder who had advised that it was because he had spent all his money on the re-fit of 44 Middle Street and had hoped to move as quickly as possible. He appreciated that some of the procedures could have been implemented at little or no cost, and he would arrange for these to be put in place for Mr Singh.

In response to a query from Councillor Marshall Mr Singh advised that he had managed a shop for around 16 years and that he now understood about licensing procedures.

Mr Lalli responded to a question from Nicola Anderson about the letter sent to John Elves which clearly stated that alcohol should not be sold until an application nominating a person as DPS was processed.

At 12.15pm the Sub-Committee **Resolved** to adjourn the hearing to allow Members to deliberate the application in private. After re-convening at 12.30pm the Chair delivered the Sub-Committee's decision.

In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer, together with the verbal and written representations of the licence holder's Solicitor, the applicant and Trading Standards and the written representations of the Local Safeguarding Children's Board. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the Premises Licence be revoked.

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Statutory Licensing Sub-Committee

10th April 2018

Application to Transfer a Premises Licence



Report of Jane Robinson, Corporate Director, Adult and Child Services

Name and Address of Premises: Best Kebab One, 1a Fore Bondgate,
Bishop Auckland, Co Durham, DL14 7PF

1. Summary

The Sub-Committee is asked to consider and determine an application to transfer the premises licence for Best Kebab One, 1a Fore Bondgate, Bishop Auckland, Co Durham.

The application was received from Mr Rabaz Sirwan Raza.

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

2. Details of the Application

The application to transfer premises licence number WV/PRE0240/05 was received on 8th March 2018. A copy of the application is attached as Appendix 2.

For Members information, the previous premises licence holder was Mr Omid Qasmi.

3. The Representation

On 19th March 2018, a representation was received from Durham Constabulary's Harm Reduction Unit on behalf of the Chief Officer of Police, objecting to Mr Rabaz Sirwan Raza being named as the premises licence holder.

A copy of Durham Constabulary's objection is attached at Appendix 3.

The Licensing Authority are satisfied that the application was properly made. However, following the information contained within the representation from Durham Constabulary the Licensing Authority telephoned Mr Raza on 14th March 2018 who confirmed that he obtained Mr Qasmi's telephone number and arranged to meet him in Middlesbrough to obtain his signature on the consent form.

4. The Parties

The Parties to the hearing will be:

- Mr Rabaz Sirwan Raza (the applicant)
- Durham Constabulary (responsible authority)

5. Durham County Council Statement of Licensing Policy

The Sub-Committee are asked to consider the Council's Statement of Licensing Policy when determining the application.

6. Section 182 Guidance and Licensing Act 2003

The Sub-Committee's attention is drawn to parts 8.97 to 8.100 of the Section 182 Guidance and sections 42 to 45 of the Licensing Act 2003. This is attached at Appendix 4.

7. For Decision

The Sub-Committee is asked to determine the application to transfer the premises licence to Mr Rabaz Sirwan Raza.

The Sub-Committee's options are to:

- Grant the application, or
- Reject the application, if it considers it necessary to do so for the promotion of the crime prevention objective

Background Papers:

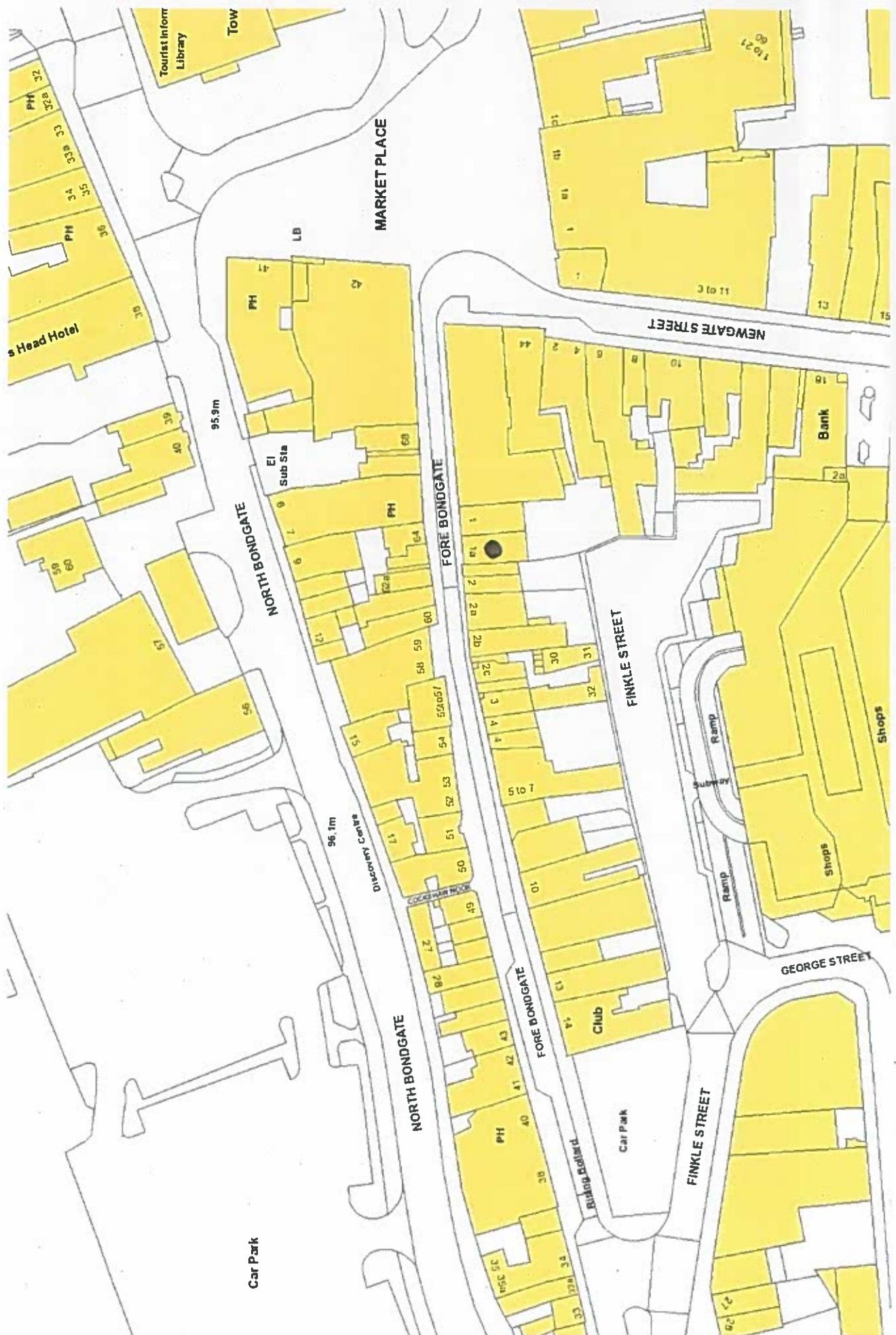
- Guidance issued under Section 182 of the Licensing Act 2003 (as amended April 2017)
- Licensing Act 2003

Contact: Helen Johnson

Tel: 03000 265101

E-mail: helen.johnson2@durham.gov.uk

APPENDIX 1 – LOCATION PLAN



**APPENDIX 2 – TRANSFER A PREMISES
LICENCE APPLICATION**

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

6/22/03

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.

Name RABAZ SIRWAN RAZA
(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

WV/PL/0240/05 County Council

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description
BEST KESARS ONE
1A FOLE BOUNDGATE

Post town BISHOP AUCKLAND Post code DL14 7PF

Telephone number at premises (if any)

Please give a brief description of the premises (see note 1) TAKEAWAY
RESTAURANT SERVING PIZZAS, KESARS ETC.

Name of current premises licence holder
OMID QASMI

Part 2 - Applicant details

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

- 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 (c 14) 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 respect of 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

RAZA

First names

LABAZ SIRWAN

Date of birth
Nationality

I am 18 years old or over

Please tick yes

Current residential address if different from premises address

Post town

Post code

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

Date of birth

Nationality

Current residential address if different from premises address

I am 18 years old or over

Please tick yes

Post town

Post code

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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.

- 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 have sent a copy of this form to Home Office Immigration Enforcement today

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

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

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 2)

Part 4 – Signatures (please read guidance note 3)

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

Signature *~*
.....

Date *01/02/18*
.....

Capacity *OWNER*
.....

For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent (please read guidance note 5). 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 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Notes for Guidance

- 1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.**
- 2. Right 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 which is not a limited liability partnership 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**

Consent of premises licence holder to transfer

I/we OMID QASMI
[full name of premises licence holder(s)]

the premises licence holder of premises licence number WV/PRE 0240/05
[insert premises licence number]

relating to

BEST Kebab Co
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

WV/PRE 0240/05
[insert premises licence number]

to

RAZAZ SIRWAN RAZA
[full name of transferee].

Spoke to Mr Raza who
confirmed he got Mr Qasmi's number
and met in
Middlebrough to get
form signed.

14/3/18

signed
name
(please print)

OMID QASMI

dated

14/2/18

**APPENDIX 3 – REPRESENTATION FROM
DURHAM CONSTABULARY**

From: Caroline Dickenson ·
Sent: 19 March 2018 16:13
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: RE: Licensing - transfer application received

Hi Carol

Durham Constabulary are wanting to object to the transfer of licence to Rabaz Sirwan RAZA in relation to the Premises – Best Kebab One, 1A Fore Bondgate, Bishop Auckland. DL14 7PF

The police are objecting under the crime and disorder objective.

The current PLH is Omid QASMI who following checks with immigration has been out of the UK for several years, however the transfer of premises licence has been signed by someone portraying to be QASMI, which would suggest the submitted document to Durham County Council has a false statement on which is an offence under section 158 of the licensing act 2003.

When Durham police first attended the premises on the 16th December 2017 it was around numerous complaints of anti-social behaviour at the premises caused by local youths who were being allowed to use the pizza shop as a youth club. The male in charge of the premises who stated he was the owner who we now know to be applicant Rabaz Sirwan RAZA, identified himself as officers he was [redacted] he is currently under investigation for obstruct police so therefore not a fit and proper person to be a PLH

On the 16th December 2017, there was another male at the premises [redacted] who following investigation is an illegal immigrant who has no right to work in the UK, again as the owner of the pizza shop RAZA should have checked under section 24B of the immigration act 1971.

Rabaz Sirwan RAZA was informed on 16th December 2017 that he needed to transfer the licence into his name and also signed a Durham Constabulary mediation document on 20th December 2017 agreeing to remove the fixed seating within the premises and to display a notice stating no more than 2 persons under 18 years at any one time, this was in attempt to promote the crime and disorder objective, however RAZA failed to do either and only removed the stools after several enforcement visits by officers at Durham County Council.

This shows that he is not supporting nor promoting the crime and disorder objective and the police feel by allowing the premise licence to be transferred to RAZA he will continue to run the business in a way which undermines the licencing objectives.

Thankyou

Caroline Dickenson

APPENDIX 4 – SECTION 182 GUIDANCE

LICENSING ACT 2003 - Transfer of premises licence

42 Application for transfer of premises licence

- (1) Subject to this section, any person mentioned in section 16 (1) (applicant for premises licence) may apply to the relevant licensing authority for the transfer of premises licence to him.
- (2) Where the applicant in an individual he must be aged 18 or over.
- (3) Subsection (1) is subject to regulations under –
 - (a) Section 54 (form etc. of applications etc.);
 - (b) Section 55 (fees to accompany applications etc.).
- (4) An application under this section must be accompanied by the premises licence or, if that is not practicable, a statement of the reasons for the failure to provide a licence.
- (5) The [F1 relevant person must give notice of the] application to the chief officer of police for the police area (or each police area) in which the premises are situated.[F2 (5A) in subsection (5), "relevant person" means –
 - (a) the relevant licensing authority, in a case where the applicant submitted the application to the relevant licensing authority by means of a relevant electronic facility;
 - (b) the applicant, in any other case]
- (6) Where a chief officer of the police is notified under subsection (5) is satisfied that he would 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.
- (7) The chief office of the police must give that notice within the period of 14 days beginning with the day on which he is notified of the application under subsection (5)

43 Circumstances in which transfer application given interim effect

- (1) Where—
 - (a) An application made in accordance with section with section 42 includes a request that the transfer have immediate effect, and
 - (b) the requirements of this section are met,then, by virtue of this section, the premises licence has effect during the application period as if the application were the holder of the licence.
- (2) For the purpose "the application period" means the period which –
 - (a) Begins when the application is received by the relevant licensing authority, and
 - (b) Ends—
 - (i) When the licence is transferred following the grant of the application, or
 - (ii) If the application is rejected, when the applicant is notified of the rejection, or
 - (iii) When the application is withdrawn

- (3) Subject to subsections (4) and (5), an applicant within subsection (1)(a) may be made only with the consent of the holder of the premises licence .
- (4) Where a person is the holder of the premises licence by virtue of an interim authority notice under section 47, such an application may also be made by that person.
- (5) The relevant licensing authority must exempt the applicant from the requirements to obtain the holder's consent if the application shows to the authority's satisfaction –
 - (a) That he has taken all responsible steps to obtain that consent, and
 - (b) That, if the application were one to which subsection (1) applied, he would be in a position to use every premises during the application period for the licensable or activities authorised by the premises licence.
- (6) Where the relevant licensing authority refuses to exempt an application under subsection (5) it must notify the applicant of its reason for that decision.

44 Determination of transfer application

- (1) This section applies where an application for the transfer of a licence is made in accordance with section 42
- (2) Subject to subsections (3) and (5), authority must transfer the licence in accordance with the application.
- (3) the authority must reject the application if none of the conditions in subsection (4) applies .
- (4) the conditions are—
 - (a) the section 43(1)(applications given interim effect) applies to the application,
 - (b) that the holder of the premises licence consents to the transfer,
 - (c) that the applicant is exempt under subsection (6) from the requirement to obtain the holder's consent to the transfer.
- (5) where a notice is given under section 42(6)(are not withdrawn), and subsection (3) above does not apply, the authority must –
 - (a) hold a hearing to consider it, unless the authority, the applicant and the chief officer of police who gave the notice agree that a hearing is unnecessary, and
 - (b) having regard to the notice, reject the application if it considers it [F1 appropriate] for the promotion of the crime prevention objective to do so.
- (6) the relevant licensing authority must exempt the applicant from the requirement to obtain the holder's consent if the applicant shows the authority's satisfaction –
 - (a) that he has taken all responsible steps to obtain that consent, and
 - (b) that, if the application were granted, he would be in a position to use the premises for the licensable activity or activities authorised by the premises for the licensable activity or activities authorised by the premises licence.
- (7) Where the relevant licensing authority refuses to exempt an application under subsection (6), it must notify the applicant of its reasons for that decision.

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