

Statutory Licensing Sub-Committee

5th July 2019

Application for the grant of a Premises Licence

Ordinary Decision



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

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

Electoral division(s) affected:

Elvet and Gilesgate

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for Lebaneat, 47 North Bailey, Durham DH1 3ET received from Mr Pierre Chidiac.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application requests the granting of a new Premises Licence for a restaurant.
- 4 The application is for the Sale of Alcohol for consumption on and off the premises and the provision of Recorded Music indoors from 12:00 hrs until 23:00 hrs Monday to Sunday and from 12:00 hrs until 23:30 hrs on Christmas Day and Good Friday. Both activities are also requested from the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.
- 5 The premises currently have the benefit of a premises licence to permit the Sale of Alcohol and the provision of Late Night Refreshment. This licence number LAPREG/05/0527 is held by Mr Ahmed Mohamed Hussain Sayed and was revoked by the Council's Statutory Licensing Sub-Committee on 5th February 2019 following a premises licence review, applied for by Durham Constabulary. Mr Sayed has appealed against the Council's decision to revoke his premises licence and the

appeal hearing is scheduled to take place at the Magistrates Court on 10th July 2019.

- 6 An objection from one of the Responsible Authorities was received during the consultation period; this was from Durham Constabulary.
- 7 Comments not amounting to a representation were received from the Durham County Council Planning Authority.
- 8 The Environmental Health Department, the Durham Safeguarding Children Partnership, the Fire Safety Authority and the Public Health Department all responded to the consultation with no comments.

Recommendation(s)

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

Background

- 11 Background information

Applicants	Mr Pierre Chidiac	
Type of Application:	Date received:	Consultation ended:
New premises licence	16th May 2019	13th June 2019

- 12 For Members information - The premises currently have a premises licence to permit the Sale of Alcohol and the provision of Late Night Refreshment. This licence (number LAPREG/05/0527) is held by Mr Ahmed Mohamed Hussain Sayed and was revoked by the Council's Statutory Licensing Sub-Committee on 5th February 2019 following a

premises licence review, applied for by Durham Constabulary. Mr Sayed has appealed against the Council's decision to revoke his premises licence and the appeal hearing is scheduled to take place at the Magistrates Court on 10th July 2019.

Details of the application

- 13 An application for the grant of a premises licence was received by the Licensing Authority on 16th May 2019. A copy of the application is attached at Appendix 3.
- 14 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 15 The activities requested are as follows:

Licensable Activities	Days & Hours
Supply of Alcohol (consumption on and off the premises)	Monday to Sunday: 12:00 to 23:00 hrs Christmas Day: 12:00 to 23:30 hrs. Good Friday: 12:00 to 23:30 hrs. From end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.
Recorded Music (Indoors)	Monday to Sunday: 12:00 to 23:00 hrs Christmas Day: 12:00 to 23:30 hrs. Good Friday: 12:00 to 23:30 hrs. From end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.
Proposed Opening Times	Monday to Sunday: 12:00 to 23:00 hrs Christmas Day: 12:00 to 23:30 hrs. Good Friday: 12:00 to 23:30 hrs. From end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.

- 16 The applicant has proposed conditions and the steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application at Appendix 3.

The Representations

17 The Licensing Authority received one representation during the consultation period from Durham Constabulary (Responsible Authority).

18 The Licensing Authority deemed the representation as relevant, relating to the following licensing objective:

- The Prevention of Crime and Disorder

A copy of the representation is attached at Appendix 4.

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

A copy of these comments are attached at Appendix 5 for information only.

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

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

Copies of these responses are attached at Appendix 6.

The Parties

21 The Parties to the hearing will be:

- Mr Pierre Chidiac (Applicant)
- Durham Constabulary (Responsible Authority)

Options

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

- (a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003;
- (b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate

for the promotion of the licensing objectives and the mandatory conditions set out in the Licensing Act 2003;

- (c) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- (d) To refuse to specify a person on the licence as the Designated Premises Supervisor;
- (e) To reject the application.

Main implications

Legal Implications

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

See Appendix 1.

Consultation

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

See Appendix 1

Conclusion

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

Background papers

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

Other useful documents

- None

Contact: Yvonne Raine

Tel: 03000 265256

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

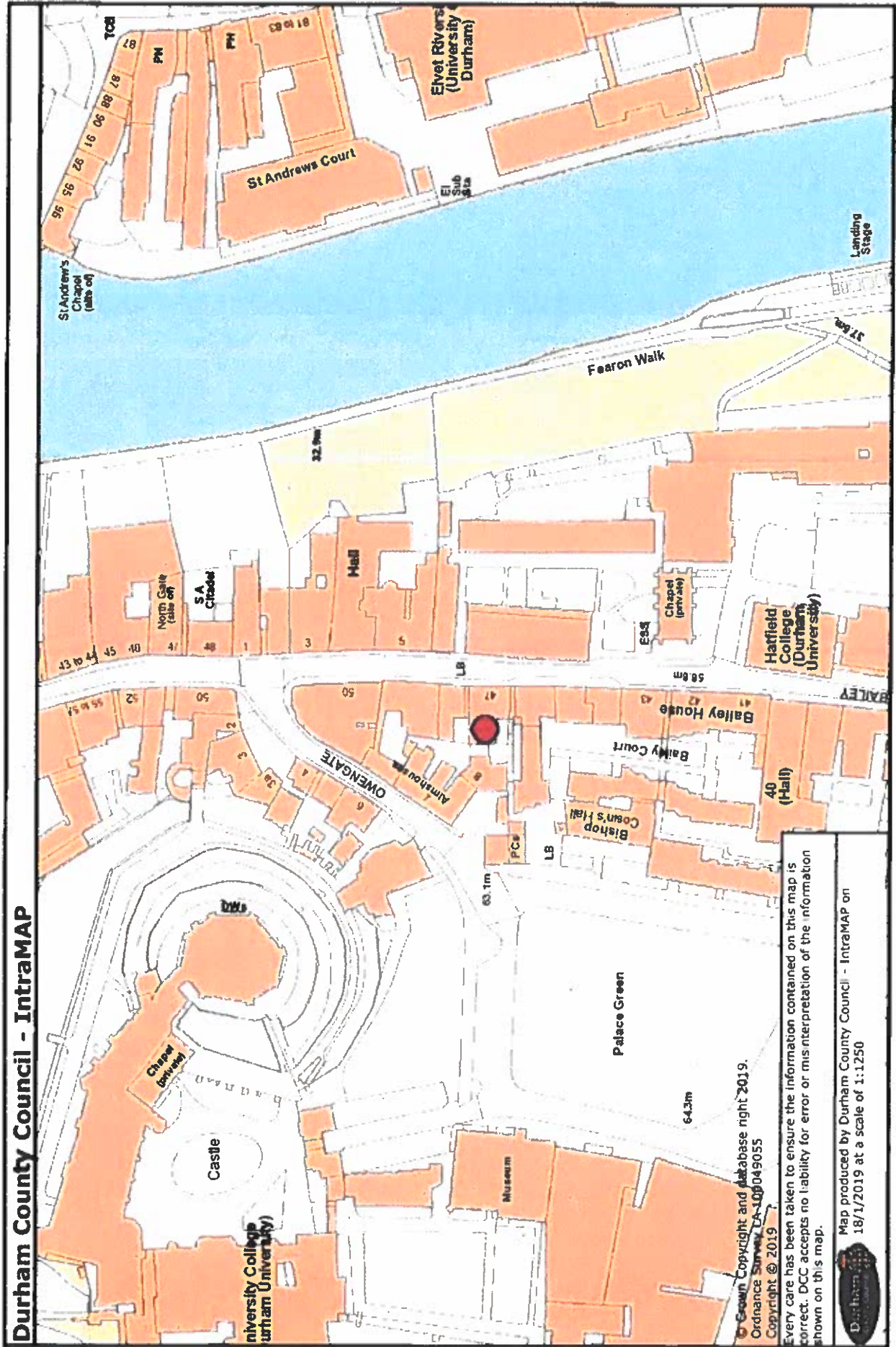
The Responsible Authorities were consulted on the application.

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

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

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

Appendix 2: Location Plan



Appendix 3: Application



County Durham
Application for a premises licence
Licensing Act 2003

For help contact
licensing@durham.gov.uk
Telephone: 03000 261016

* required information

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

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

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

Applicant Details

* First name

Pierre

* Family name

Chidiac

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

☒ Applying as an individual

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

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text"/>

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	<input type="text" value="47"/>
Street	<input type="text" value="North Bailey"/>
District	<input type="text"/>
City or town	<input type="text" value="Durham"/>
County or administrative area	<input type="text" value="Durham"/>
Postcode	<input type="text" value="DH1 3ET"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="17,750"/>

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

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INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes ☐ No

First name

Pierre

Family name

Chidiac

Is the applicant 18 years of age or older?

☒ Yes ☐ No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes

☐ No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes

☐ No

E-mail

Telephone number

Other telephone number

* Date of birth

 / /
dd mm yyyy

* Nationality

Documents that demonstrate entitlement to work in the UK

Right to work share code

Right to work share code if not submitting scanned documents

Add another applicant

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OPERATING SCHEDULE

When do you want the premises licence to start?

 10 / 06 / 2019
dd mm yyyy

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

 / /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

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

It is a restaurant premises in Durham City.

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

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Continued from previous page...

Will you be providing recorded music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

☒ Indoors ☐ Outdoors ☐ Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Music will not be amplified

State any seasonal variations for playing recorded music

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

Continued from previous page...

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

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

Christmas Day: From 12:00 to 23:30

Good Friday: From 12:00 to 23:30

On New Year's Eve from the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes

☒ No

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

See guidance on regulated entertainment

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

☐ Yes

☒ No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start	12:00	End	23:00
Start		End	

THURSDAY

Start	12:00	End	23:00
Start		End	

FRIDAY

Start	12:00	End	23:00
Start		End	

SATURDAY

Start	12:00	End	23:00
Start		End	

SUNDAY

Start	12:00	End	23:00
Start		End	

Will the sale of alcohol be for consumption:

☐ On the premises ☐ Off the premises ☒ Both

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

State any seasonal variations

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

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

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

Christmas Day: From 12:00 to 23:30

Good Friday: From 12:00 to 23:30

On New Year's Eve from the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day

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

Continued from previous page...

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

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ADULT ENTERTAINMENT

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

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

Continued from previous page...

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

Christmas Day: From 12:00 to 23:30

Continued from previous page...

Good Friday: From 12:00 to 23:30

On New Year's Eve from the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day

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LICENSING OBJECTIVES

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

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

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

Clear Challenge 25 information to prevent the supply of alcohol to underage people

CCTV system with recordings available

Designated premises supervisor to provide training for staff on the Licensing Act with training records available

b) The prevention of crime and disorder

CCTV system with recording and signs to inform the customers of such system

Staff trained in asking the customers to use the premises in an orderly and respectful manner

No sale of alcohol to drunk or intoxicated customers

Prevention and vigilance in illegal drug use

Employees records available on request to prevent illegal working

c) Public safety

Well trained staff in ID checks

Refusals register

Incident book

Well lit areas

d) The prevention of public nuisance

Noise levels to be kept at a reasonable level without causing public nuisance

Deliveries of goods necessary for the operation of the business will be carried out at such time or in such manner to prevent disturbance to residents

Customers will be asked not to stand around loudly talking in the street outside the premises

e) The protection of children from harm

Challenge 25 sign to encourage anyone who is over 18 but looks under 25 to carry acceptable ID if they wish to consume alcohol

Well trained staff about requirements for persons' identification, age establishment, acceptable documents

Well trained staff in possible proxy sales

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

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

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

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

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

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

* Fee amount (£)

190.00

DECLARATION

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

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

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

* Full name

Pierre Chidiac

* Capacity

Applicant

Continued from previous page...

* Date

15 / 05 / 2019
dd mm yyyy

Add another signatory

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

1. Save this form to your computer by clicking file/save as...

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

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

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

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

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

☐

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Appendix 4: Representation from Durham Constabulary

From: Dean Haythornthwaite
Sent: 13 June 2019 13:37
To: Helen Johnson - Licensing Team Leader (N'hoods) <Helen.Johnson2@durham.gov.uk>
Cc: Michelle Williamson ; Alcohol Harm Reduction Unit ; Siobhan Jones
Subject: Premises Licence Objection

Durham Constabulary wish to object to the application for a new premises licence for the Lebaneat Restaurant, 47 North Bailey, Durham City. This objection is on the basis that to grant this licence would undermine the licensing objective of the prevention of crime and disorder.

On 5th February 2019 Durham County Council Licensing Committee heard an application to review the premises licence of this premises owned by Mr Ahmed Sayed. The review was instigated by police under the objective of preventing crime and disorder and the committee on this occasion decided to revoke the licence. This decision is currently subject to an appeal, due to be heard on 10/07/2019, I have attached the notice of determination.

On 5th February 2019 The Committee heard the premises has a history of employing illegal workers, including the same worker twice (9.20 & 9.21 in the notice of determination). 11.27 of the S.182 Guidance tells us that such activity should be treated particularly seriously and revocation of the licence considered, even in the first instance (11.28 of the guidance). The Committee heard representations from Lebaneat that Mr Sayed now has a "legal partnership to gain employment assistance", they have Ms Cotoi as Operations Manager and "head office" deal with applicants and without the required documents someone couldn't even be taken on for training (9.29 in Notice of Determination). Despite all of this on 23/02/2019 an incident took place just outside Durham City, a delivery driver for Lebaneat Express (part of Mr Sayed's restaurant chain) was involved in a collision. The driver left the scene however Mr Sayed did attend. When asked for details of the driver Mr Sayed gave incorrect details. The driver ultimately returned to the scene and provided his details, saying he does deliveries to help out, he is driving a vehicle registered and insured to Lebaneat. This male did not have permission to work in the UK, he is a failed asylum seeker, in fact he does not have permission to drive in the UK. This situation is at odds with comments relating to the processes that were described in the committee hearing. At that same incident a male associate of Mr Sayed can be seen on police body worn video to remove something from the vehicle. The officer on scene describes delivery items being removed from the vehicle. It is quite apparent that this male was working for Lebaneat Express, making deliveries.

This new application lists Mr Chidiac as the PLH and Mr Maryanski as the DPS. On 29/05/2019 Police met with Mr Maryanski who said he is now a manager of the premises with full autonomy and control of hiring and firing of staff, this is at odds with the centralised process we had described in committee. Mr Maryanski explained that he reports to Ms Cotoi, who reports to Mr Sayed, so there is no real change in the management and ownership of this premises. Mr Maryanski also explained that he has held discussions with Mr Sayed and it is his intention to buy this restaurant from Mr Sayed so Mr Sayed will no longer have any involvement in the business, but no paperwork has yet been drawn up. On 12/06/2019 Police spoke with Mr Chidiac, Mr Chidiac confirmed that as things stand there has been no change in the ownership of the premises, Mr Chidiac runs a wine sales business based in Middlesex but intends to be present on site in Durham 2/3 days a week. Mr Chidiac explained that he has held discussions with Mr Sayed and it is his intention to buy a 51% share in the business and become the major shareholder, but no paperwork has yet been drawn up. These conversations appear to contradict each other as well as the processes that were explained on 05/02/2019 to committee. Both DPS and PLH say they intend to buy the business, although neither have started any formal proceedings to make this happen.

It is Durham Constabulary's submission that Mr. Sayed will continue to control and run this premises. This is highlighted by the lack of proof to show a real transfer of the business away from Mr Sayed and it is believed that proposal of management by Mr. Chidiac and Mr. Maryanski will not change this position. The recent incident coupled with the earlier evidence produced and determined by the Licensing Committee in February, supports Durham Constabulary's submission that a new premises licence will undermine the relevant objective and therefore we object to application and request it is refused.

Dean Haythornthwaite
Sgt 2065
Darlington Neighbourhood Policing Team
Durham Constabulary

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THE COUNTY COUNCIL OF DURHAM

Licensing Act 2003 (the Act) Committee

NOTICE OF DETERMINATION

Date of Hearing : 5 February 2019

Date of Determination : 5 February 2019

Committee Members : 1. Councillor P Crathorne (Chair)
2. Councillor L Brown
3. Councillor P Atkinson

1. Type of application or hearing

- 1.1 Application for the transfer of a premises licence at Lebaneat Wrap House, First Floor, 69 Claypath, Durham, DH1 1QT
- 1.2 Application to vary the Designated Premises Supervisor (DPS) at Lenaneat Wrap House
- 1.3 Application for the review of the premises licence for Lebaneat Wrap House, First Floor, 69 Claypath, Durham, DH1 1QT
- 1.4 Application to review the premises licence for Lebaneat, 47 North Bailey, Durham, DH1 3ET

2. Applicants

- 2.1 Application to transfer the premises licence- Lebaneat (Wrap House) Limited
- 2.2 Application to transfer the Designated Premises Supervisor- Mr M A E F
- 2.3 Review applications- Durham Constabulary

3. The Applications

- 3.1 The application to transfer the premises licence was received on 3rd January 2019.

- 3.2 The application to vary the Designated Premises Supervisor (DPS) was received on 4 December 2018 and names Mr Ahmed Mohamed Hussein Sayed as the proposed Designated Premises Supervisor.
- 3.3 The applications to review the premises licences were received on 12 December 2018.
- 3.4 Lebaneat Wrap House is licensed for the following:

Licensable Activity	Timings
The Sale of Alcohol (for consumption on the premises)	Monday to Sunday: 11.00 until 23:00 hrs, New Years Eve: 11.00-01.00hrs
Films & Recorded Music (Indoors)	Monday to Sunday: 11.00- 23.30hrs New Years Eve: 11.00-01.30hrs
Late Night Refreshment (Indoors & Outdoors)	Monday to Sunday: 23.00- 23.30hrs New Years Eve: 23.00-01.30hrs
Opening hours	Monday to Sunday: 11.00-23.30hrs New Years Eve: 11.00-01.30hrs

- 3.5 Lebaneat, North Bailey is licensed for the following:

Licensable Activity	Timings
The Sale of Alcohol (for consumption on and off the premises)	Monday to Saturday: 11.00 until 00.00hrs, Sunday: 12.00-23.30hrs Good Friday and Christmas Day: 12.00- 23.30hrs From end of permitted hours on New Years Eve to start of permitted hours on New Years Day.
Late Night Refreshment (Indoors)	Monday to Saturday: 23.00 until 00.30hrs, Sunday: 23.00-00.00hrs hrs Good Friday and Christmas Day: 23.00- 00.00hrs From end of permitted hours on New Years Eve to start of permitted hours on

Opening hours	New Years Day. Not stated
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4. The Parties

4.1 The Committee heard from the following:

- Yvonne Raine, Senior Licensing Officer
- Steve Mooney, Force Solicitor
- Sergeant Caroline Dickenson, Durham Constabulary, accompanied by DC Dean Haythornthwaite
- Mark Bryden, Immigration officer, accompanied by Mark Thorley, Immigration officer
- Laura Cloney, Licensing Enforcement Team Leader
- Mrs objector
- Chris Morrison, legal representative for Lebaneat
- Ahmed Sayed, on behalf of Lebaneat
- Oana Cotoi, on behalf of Lebaneat

4.2 The Sub-Committee also took into account written submissions of all parties, as provided within the hearing bundle and additional evidence.

5. Licensing Act 2003

5.1 The Sub-Committee has taken into account the relevant provisions of the Act.

6. Section 182 Guidance

6.1 The Sub-Committee has considered and taken account of the most recent edition of the Secretary of State Section 182 Guidance issued April 2018.

7. Licensing Policy

7.1 The Sub-Committee has considered and taken account of the Council's licensing policy.

8. Licensing Objectives

8.1 The Sub-Committee has taken account of the statements and written representations and the oral evidence given, with respect to the licensing objective triggered by the objections and review:

- Prevention of Crime & Disorder

9. Evidence

Representations of the Senior Licensing Officer, Yvonne Raine

9.1 Ms Raine presented her reports to the Sub-Committee. Mr Sayed is the business owner for both premises. The current premises licence holder for Lebaneat, North Bailey, is Mr Sayed and the DPS is Oksana Sayed, his wife.

9.2 It was confirmed that Lebaneat Wrap House Limited were now the premises licence holders (subject to this Sub-Committee's determination), for the Wrap House, having requested that the transfer takes place with immediate effect. Mr Al E H was the previous premises licence holder and Ms Raine referred to the statement that had been provided by Mr A El F which stated that he was the premises licence holder for the Wrap House, but she confirmed that this was no longer the case and it was now Lebaneat Wrap House Limited due to the application before the Sub-Committee.

9.3 Ms Raine confirmed that the current DPS for the Wrap House is Mr Sayed, as the DPS variation took place with immediate effect (subject to the Sub-Committee's determination).

9.4 The options available to the Sub-Committee regarding the reviews where:

- to take no action
- to modify the conditions of the licence;
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

9.5 The options available for the applications to transfer the premises licence holder and DPS were to either grant or refuse the applications.

- 9.6 There were no questions of Ms Raine.

Representations of Durham Constabulary

- 9.7 Mr Mooney stated that Mr Sayed is the owner of Lebaneat and the four applications are based on largely the same evidence. He referred to Lebaneat North Bailey as the Restaurant and the other premises as the Wrap House. The police reviews only relate to the crime and disorder licensing objective. Mr Sayed is the sole company director for Lebaneat (Wrap House) Limited. The police will only object to the transfer of a premises licence holder and of a DPS in exceptional circumstances which were the case today.
- 9.8 The main concern of the police is the employment of illegal workers. Visits were carried out on the 2 August 2018. They found a chef in the Restaurant who ran into the toilets and then changed his clothing. He didn't have authorisation to work in the UK. A civil penalty has been imposed for this on Mr Sayed but this may be appealed. Regarding the Wrap House they found a dish washer and person making bread both of who were not authorised to work in the UK.
- 9.9 This is a very serious matter and as the section 182 Guidance points out it should be treated particularly seriously. The business is privileged to hold a licence. The people are being used by the premises and are being paid very little. One of the males has now been granted asylum and has permission now to work in the UK but he didn't have permission at the time of the raids on the 2 August. It is an issue of concern to the police as to how the male came to be working at the premises in the first place. The male was preparing food and tried to hide his chefs clothing because he knew that he was working when he shouldn't have been.
- 9.10 There was ample guidance as to how to check employment documents and to check that they are valid. Mr Sayed has appeared to bypass the rules by saying the male was training. Mr Sayed stopped the male saying if he was paid for his employment when he was being questioned by the immigration officers. Looking at the witness statements that have been provided from the police and immigration officers it would seem that rather than assisting the immigration officers, Mr Sayed seems to have been shouting at his staff to keep quiet. Mr Sayed says staff are employed by an agency, Sayed Trading Ltd and he is nothing to do with this agency but this is not the case. He mentioned this to the immigration officer at the time of the raid. He has lied to the immigration officers and has attempted to deceive them. Mr Sayed has also had a meeting with police officers and has stated that he does not regard the employment of legal workers as a serious issue. The visit on the 2 August may just be the tip of the iceberg.

- 9.11 The Wrap House didn't have a licence for two years to sell alcohol as they had not paid their licensing fee. Mr Sayed has said that they weren't carrying out licensing activities over this time but there is evidence from PCSO Carey which shows otherwise, as detailed in the hearing papers.
- 9.12 Mr Sayed has made numerous licensing applications and has been stretching the provisions of the Licensing Act to avoid a Licensing Hearing. Both applications to transfer the premises licence holder and DPS have immediate effect and then he has withdrawn the applications one day before the Licensing Hearing and then re-submitted them eight days later which has meant that he has avoided the Licensing Hearing for some time. By making the applications as he has done they get interim effect. Despite the Sub-Committee's previous rejections of the applications to transfer the premises licence holder and DPS in September 2018 he has gone ahead to submit two further applications.
- 9.13 The police are concerned that he is stretching the Licensing Act and getting interim effect each time he applies to transfer the premises licence holder and designated premises supervisor. There have been multiple applications and he has multiple companies which all lead back to Mr Sayed and this is very concerning. In addition to these aspects, there is also the employment of the illegal workers at the premises.
- 9.14 Mr Mooney asked the Sub-Committee to revoke both premises licences and to refuse the other two applications before them today. There is disregard for the Licensing Act and therefore he would be unlikely to comply with any conditions imposed by the Sub-Committee.
- 9.15 Sgt Dickinson was invited by Mr Mooney to address the Sub-Committee and stated that she had no other comments to make. DC Haythornthwaite was invited to address the Sub-Committee and stated that he had no comments to make.
- 9.16 On questioning by the Sub-Committee, Mr Mooney confirmed that some of the social media comments do refer to Lebaneat restaurant and not the Wrap House but some do refer to the Wrap House selling alcohol in the period when they did not have a valid licence and they would seek to rely on those.
- 9.17 Mr Morrison was then invited to question the police officers. He asked how long Sgt Dickinson had researched the issue of Crime and Disorder for the Wrap House. She stated that she had been in the licensing unit for four years and a serving police officer for thirteen years. She confirmed that there hadn't been any reports of disorder at either premises. She could not say without checking her system if there have been any pubs who have been reported for disorder. Mr Morrison pointed out that a substantial number of premises caused drunk and disorderly behaviour. Sgt Dickinson was asked how many licence holders have lost their licence due to this and she confirmed that a considerable amount have lost their licence. When asked if she had been to the premises after

the 2 August 2018 she confirmed that there had been a visit by the police and also by the Council after this time. She confirmed she had been to the premises on the 16 November 2018 and was there about 25 minutes. She was there with the licensing officers. Mr Morrison pointed out that there was a follow-up check in January 2019 and all the licensing conditions are now being adhered to. Mr Morrison stated that the CCTV was working at the time of the check in November 2018 but it was only kept for 14 days and that the condition of the licence was for 28 days. It was confirmed that there was no illegal workers in November 2018. Mr Morrison stated that there wasn't any criminality or disorders when the premises were checked in January 2019. Mr Morrison drew Sgt Dickinson's attention to a retainer agreement and confirmed that they have got an employment solicitor in place now. He drew her attention to the staff handbook and stated that the company conducts its business now in an honest and ethical manner.

- 9.18 The Chair of the Sub-Committee stated to Mr Morrison that they were uncertain where this line of questioning was going as he was questioning her on the documents that had been submitted by Lebaneat and not her evidence as contained in her statement. Mr Morrison stated that Sgt Dickinson had had sight of the new material and that procedures had now been put in place. However, Sgt Dickinson confirmed that she had had sight of the material late in the day and could not confirm if the procedures were being adhered to now. Sgt Dickinson confirmed that she had received the business' staff handbook on the 29 November 2018 and this post-dates the immigration officers' visit to the premises. She stated that it would seem that this book has been produced since their visit. Sgt Dickinson was asked by Mr Morrison how many premises she oversees in Durham and she stated that there are hundreds in County Durham and Darlington. She stated that all premises should have these documents in place such as a staff handbook and employment documents and the police would expect these documents for a compliant company. Mr Morrison asked Sgt Dickinson if the system that is now in place confirms that the establishment is now a fit and proper establishment but Sgt Dickinson could not answer this and it was confirmed that it was more appropriate to ask the licensing officer.

- 9.19 Mr Morrison was going to ask questions of DC Haythornthwaite regarding complaints made by Mr [REDACTED]. It was decided by the Sub-Committee that as this issue hadn't arisen yet it would be better for Mr Morrison to deal with it in his representations at that time rather than bring the information up now and therefore Mr Morrison confirmed he would ask the question after he had made his representations. There were no more questions of the police.

Representation of the Immigration officers

- 9.20 The immigration officers were then invited to address the Sub-Committee. Mark Bryden addressed the Sub-Committee. He stated that there is a prevalence of illegal works in the licensing trade. The government have

now made the immigration office a responsible authority. On the 2 August 2018, immigration officers attended both premises. They found two offenders at Lebaneat restaurant. The offenders ran into the toilets. One male claimed he made bread and one said he helped the chef. Mr Sayed entered the premises and told staff not to speak to the police or immigration. The male then said he didn't understand English even though he had done previously. Both workers were not permitted to work in the UK and Mr Sayed has been given a £10,000 fine. At Lebaneat Wrap House the offender was found hiding in a cupboard in the toilet and another was found making bread. They both said that they were working without pay. Mr Sayed said that Sayed Trading Limited's Head Office was in Beirut.

- 9.21 In April 2016, an Egyptian male was found working at Lebaneat restaurant and arrested. He was illegally present in the UK. On the 3 November 2016 three males ran off from the premises but were apprehended and one of the males was the same male as found previously and he had no permission to work in the UK. He stated that he did not get paid. The other two people who were apprehended had permission to be in the UK.
- 9.22 It was stated that Mr Sayed does not take his responsibility to comply with the licensing objectives seriously. By employing illegal workers it encourages people to take risks by illegally entering the UK and they are subject to exploitation from employers. It also impacts on wages of lawful workers and exploits working conditions. Civil and criminal sanctions can be offered for employing illegal workers and in this case civil sanctions have been imposed. An employer should undertake right to work checks.
- 9.23 On questioning by the Sub-Committee, it was confirmed that Mr Sayed did own Lebaneat restaurant in 2016. He was told of what the relevant checks were to conduct on people being employed at the business. There were no penalties imposed in 2016, as they didn't have enough evidence to issue a penalty at that time. There was a blatant disregard for immigration rules by having the same male there two times in 2016. It was confirmed that a civil penalty has been imposed and this would mean that he actually hasn't gone to court for the matter.
- 9.24 On questioning by Mr Morrison, Mr Bryden confirmed that an employer should carry out checks and ensure that a potential employee has the correct documents to work in the UK. He was asked if a relevant check would be if a person had a national insurance number and Mr Bryden confirmed that this was not proof to work in the UK as some people have national insurance numbers even though they don't have the right to work in the UK. Mr Bryden confirmed that a business with a robust system would have conducted the checks and have copies of the documentation on the premises and have copies of the documents available for inspection when asked. It was confirmed that the checks an employer should do are available online. The employer can also carry out relevant checks with HMRC. There were no further questions of the immigration officers.

Representations of the Licensing Enforcement officer:

- 9.25 Laura Cloney was then invited to address the Sub-Committee and stated that a licensing inspection was carried out in November 2018 at the Wrap House. CCTV wasn't being kept for 28 days. There were no notices on display stating that CCTV was in operation and no-one present to download the CCTV and no refusals register at the premises. On their visit in January 2019, these matters were rectified and the business was then complying with the licensing conditions. Mrs Cloney drew the Sub-Committee's attention to an email from her colleague to Mr Sayed dated the 3rd August 2018 which was provided in the papers of Mr Sayed and this reminded him to familiarise himself with the licensing conditions for the premises.
- 9.26 Mr Morrison then asked Mrs Cloney questions. He stated that there was CCTV in operation but it wasn't complying with the 28 day condition and Mrs Cloney confirmed that it should have been kept for 28 days. She was asked how many notices would a premises need regarding CCTV and Mrs Cloney confirmed that she hadn't been to the premises but there would need to be enough to show members of the public that CCTV was in operation. Mrs Cloney confirmed that the breaches of the licensing conditions by themselves would not have resulted in a review but it does raise concerns about Mr Sayed. Mrs Cloney confirmed that she could not say if the premises were complying with the licensing conditions today, but in their inspection on the 3rd January 2019 they were complying. There were no further questions of Mrs Cloney.

Representations of Mrs I

- 9.27 Mrs I was then invited to address the Sub-Committee and she stated that she was speaking on behalf of Mr , her husband. Her business found it difficult . She feels that Mr Sayed has had chance after chance and thinks that he has had enough time to put everything into place. She doesn't think it will stop and thinks that the Committee should send a message to other businesses. There have been three raids by immigration and thinks the Committee should take severe action against Lebaneat. Her business has been going for 30 years and she doesn't think the behaviour of Lebaneat should go on in Durham. Mrs has had no immigration issues at her premises.
- 9.28 Mr Morrison then asked questions of Mrs . It was suggested by him that she was not impartial because of complaints that she had made. She stated that this was not relevant and she had witnessed the Home Office turn up at Lebaneat. Mr Morrison stated that Mrs family run the business and asked her how many false complaints she had made to the Police. Mrs I did not answer this

question. Mr Morrison was advised by the Sub-Committee Chair that he should raise any issues regarding complaints from Mrs I and Lebaneat in his submissions. Mr Morrison stated that he wanted to paint the full picture of Mrs and again asked her how many complaints she had made to the Police but she would not say. Again, Mr Morrison was advised to bring this up in his representations. Mr Morrison was asked if he had any further relevant questions to ask of Mrs I and he confirmed that he did not and he would bring up the complaints in his representations. There were no further questions of Mrs

Representations of Lebaneat

- 9.29 Mr Morrison was then invited to address the Sub-Committee on behalf of his client. He advised that the test is a fit and proper test. He stated that all checks were in place now. Mr Sayed was then invited to read out his witness statement and Mr Morrison then asked Mr Sayed questions. Mr Sayed confirmed that he had put steps in place to render the business fit and proper. He has a retainer agreement with a legal partnership to get employment assistance. They now have documents in place to comply with their licence. The Sub-Committee's attention was drawn to the guidance provided by the Home Office, in Lebaneat's additional evidence, and it was stated by Mr Sayed that it is now compulsory for someone who works for him to provide these documents. Potential workers have to complete their right to work checklist (at page 142 of the Bundle) even if they are there for a trial. He stated that they have Oana Cotoi as the Operations Manager now and she has put systems in place. Head Office calls the applicant and asks them to bring their documents with them to the office before they start work and if an applicant turns up without the required documents, then they do not take them even for training.
- 9.30 The Sub-Committee's attention was drawn to page 151 of the documents provided by Mr Sayed and this was a staff shift pattern. Mr Sayed confirmed that if someone turns up wanting a job they can't take them unless they have the right documents. He stated that Ms Cotoi checks the documents. She also checks the restaurants twice a day. This has been put in place after the 2nd August raids. Mr Sayed has also taken a personal licence holder course. Mr Sayed stated that the previous trouble with the I was dealt with by his former business partner. Mr Sayed took control of the business in 2016 after the business partner sold his share to him. The business partner left in September 2016. His ex-partner used to deal with the paperwork and Mr Sayed dealt with the food aspects. After his ex-partner left, he struggled.
- 9.31 On questioning by the Sub-Committee, Mr Sayed confirmed that English isn't his first language and that he had had assistance in preparing his Statement from his legal representative and Ms Cotoi. He stated that the Police would not consider the documentation he had brought to the meeting he had had with them on the 29 November 2018 and was asked regarding this. He advised that his adviser at that time, J G at

the time had told him to withdraw the licensing application and to speak with the Police regarding what systems were now in place by the business. They hoped that they would be able to negotiate with the Police and reach a solution rather than go to a review. The Police refused to look at the documents and said that it should be dealt with in the review hearing.

- 9.32 Mr Sayed was asked by the Sub-Committee why checks hadn't been put in place when an illegal worker was found there in 2016. He stated that his business partner used to deal with everything and he left in September 2016. At the time the illegal worker was found in November 2016, Mr Sayed was very busy opening a branch of Lebaneat and it was difficult for him at the time. He didn't mean to break the law. It was difficult to find chefs. He needed help and he was trying to search for the right people. He was asked how long a trial period was and he confirmed that he would usually take somebody for a two day trial period. He was asked why he didn't pay them and he stated that he didn't know they needed to get paid at the time but he does now. He was asked whether he did checks on staff in 2018 regarding the people he took on and he stated that he took copies of their passports and the male that was found at the premises on the 2nd August could legally work in the UK from the 16th August. He stated that Mrs G was hired to advise them regarding licensing after the first licensing hearing in September 2018. He confirmed that Lebaneat Restaurant opened in 2014, Lebaneat Express opened in June 2016 and the Wrap House opened in November 2016. On questioning it was confirmed that Ms Cotoi had started working as the Operations Manager for Lebaneat in September 2018.
- 9.33 The Police were then invited to question Mr Sayed. Mr Mooney asked if he had permission to question Ms Cotoi as well and it was confirmed that he could ask both questions. On questioning by Mr Mooney, Ms Cotoi confirmed that there is an employer checklist provided in the papers which a manager has to complete when a new employee is there. Ms Cotoi usually does these checks and checks the documentation that is provided. They send the starter check list to their accountant but they keep the right to work checklist at the restaurant. Ms Cotoi confirmed that she had worked for Lebaneat before September 2018 but she was not in a post as Operations Manager until September 2018. It was confirmed by her that she was the female referred to in the Immigration Officer's Statement. It was put to her that in the statement it states that she told the males that were going to be questioned by the officers to be quiet. She stated that she could not recall this. Mr Sayed stated that everyone was panicking at the time and he told them not to panic. He stated that he told staff to calm down and to let the officers do the checks.
- 9.34 Mr Mooney drew their attention to Mr Bryden's Statement which confirmed that a female, (thought to be Ms Cotoi), had told the male to be quiet. Mr Sayed stated that this male had told the Immigration Officers that he was the manager and he should not have told them this because it was not the case. It was brought to Mr Sayed's attention that Mr Sayed

told the Immigration Officer that Sayed Trading Limited is not his company and he was asked why he had done this. He stated that he didn't really mean to say "no". There were a lot of things going on at the time. It was drawn to his attention that the name registered for Lebaneat Durham Limited is Ahmed Mohamed Hussein Sayed whereas for Lebaneat Wrap House Limited it is only Ahmed Sayed. He stated that he didn't think this was an issue and that there was no reason why he had used a shorter name in one company and a longer name in the other. He confirmed that he had completed the personal licence holder course on 28th September 2018. He confirmed that his view of the purpose of the meeting with the Police in November 2018 was to show the Police and the Licensing Officers what the business had now done and that they have put systems in place. They hired J G , who is a licensing consultant, to assist them. They hoped to receive advice from the Police. He withdrew the licensing applications on the advice of the licensing consultant, J G

- 9.35 Mr Mooney stated that the Police understood the meeting to be to discuss the withdrawal of their licensing application and the breaches of the licensing conditions.
- 9.36 Sgt Dickinson had questions of Ms Cotoi. Ms Cotoi was asked about the personal licence holder course. She confirmed that she had completed the personal licence holder course but did not hold a personal licence. She confirmed that she completed the course on the 31st July 2018 and the course covered aspects of the Licensing Act.
- 9.37 The Immigration Officers had questions for Mr Sayed. It was stated that Mr Sayed had mentioned that a Syrian male found at his business premises who didn't have the right to work in the UK knew that he could stay in the UK on the 16th August. However the Immigration Officers pointed out that at the time of the raid on the 2nd August this male would not have known that he could stay in the UK as he was not notified until the 16th August. Mr Sayed advised that he thought the male would be getting asylum here. When asked what he intended to do with the staff who were being trained, as he could not employ them due to their employment status, Mr Sayed was unable to answer the question and his legal adviser objected on the basis that it was hypothetical.
- 9.38 Ms Cotoi was then invited to answer questions by Mr Morrison. She confirmed she had come to the UK in 2014 and was a graduate of Durham University. She stated that she started working at Lebaneat as a student part-time. The company have had a restructure and she is now the Operations Manager. Half her job involves recruiting staff and the other half is updating and implementing procedures. They are opening two more restaurants shortly. She stated that Sayed Trading Limited was set up to deal with all staff as they sometimes need to move staff around the different premises so they were advised to have a separate company to recruit staff. They have stopped recruiting people who come into the restaurant and everything has to go through their Head Office which is

based at Meadowfield. She confirmed that the business uses Indeed to advertise jobs. She confirmed that they require original photo ID or birth certificate for British Citizens, national insurance number, proof of address and bank details. She confirmed that she does the checks and it's 50% of her job. If there is something that seems wrong, then she will send the person home. A lot of candidates come to the business without documents but they don't let them proceed without the documents. There is a list of acceptable documents from the Home Office list and they have to be properly checked. She confirmed that there is a whistle blowing procedure with the business now so if an employee thinks somebody is working illegally they can report this to Ms Cotoi. She confirmed that she attends the premises twice a day and that she usually goes when trials are taking place and that she trains staff. She confirmed that they have a Challenge 25 policy in place. Regarding the breaches of licensing conditions found in November 2018, she confirmed that they had 7 days to remedy the procedures and they adhered to this. They have done training with staff and they know how to use the refusals register. It was confirmed that J C their consultant, had produced the staff training documents.

- 9.39 It was drawn to her attention by Sgt Dickinson that only 13 people were mentioned on the training record for North Bailey and 3 for the Wrap House and it was confirmed that this was the case as these were the full-time employees. Sgt Dickinson pointed out that the information in the staff training manual for alcohol sales is incorrect as the fine now imposed is £90 and not £80 as stated in the manual and that the Magistrates can impose an unlimited fine now and not up to £5,000.
- 9.40 On questioning, Mr Sayed accepted that alcohol was being served in 2017 at the Wrap House when they had no licence but as soon as it was brought to their attention, they paid the fee. He confirmed that their Head Office is in Meadowfield. There were no further questions of Mr Sayed or Ms Cotoi.
- 9.41 Mr Morrison drew the Sub-Committee's attention to the statement of Mr A : F He did not attend the Sub-Committee but the Sub-Committee confirmed that they had read the Statement.

Summing up:

- 9.42 The parties were then invited to sum up.

- 9.43 Mr Mooney stated as follows:

- The fit and proper test isn't the correct test to be applied in this matter. The correct test is set down in the Licensing Act 2003, s.4 and s.52. We are concerned with the Crime and Disorder objective and it is not necessary to have disorder at the premises.

- The police would ask the Sub-Committee to revoke both premises licences. This is a very serious matter. Mr Sayed has tried to by-pass the rules. He denied ownership of his company during the raid and tried to argue that the individuals concerned were training and not working. He denied selling alcohol at the Wrap House during the two years when the licensing fee wasn't paid. However he now accepts that alcohol was being sold.
- Mr Sayed withdrew his licensing applications one day before the committee hearing and then resubmitted them 8 days later. He therefore put off attending a hearing. He has breached licensing conditions. The documents that Mr Sayed has supplied to the Sub-Committee have been supplied late in the day. They are a lot of employee documents. They do not show that the procedures have been implemented in reality.
- Ms Cotoi has been employed as operations manager but she was an employee at the premises in August 2018 and she was present during the raids and told the workers not to speak. She was there during the business failings.
- Problems with illegal workers were found at the premises in 2016 by immigration officers. Mr Sayed attended a meeting and stated that it wasn't very serious. Mr Mooney stated that this was a serious matter and people can be exploited. There is online guidance for employers when employing workers.

9.44 Mr Morrison stated as follows:

- The current state of the business is relevant. The history of the business can be altered and improved.
- The concerns that have been raised are past concerns and they have been addressed by Mr Sayed.
- Fitness and propriety is part of this and is bound up with the level of trust someone has.
- The company wants to transition into a bigger business. It has recruited a Durham graduate to enforce the company's standards.
- They can't do any more than what has now been put in place.
- Disorder is part of the underlying issue. There is no disorder at the premises.
- The Committee should focus on what has been done to seek to remedy the position. It is all relating to past concerns. The company has a good future and has learnt from previous mistakes.
- There are conditions that can be imposed should the Committee feel it necessary and the business will ensure that they abide by these conditions.
- Mr Morrison confirmed that he did not want to ask any further questions of the police officers.

9.45 No parties had any other representations to make.

10. Decisions

- 10.1 The Sub-Committee refused the applications to transfer the premises licence and the proposed appointment of the designated premises supervisor at Lebaneat Wrap House.
- 10.2 The Sub-Committee determined that the premises licences for Lebaneat, North Bailey and Lebaneat Wrap House be revoked.

11. Reasons

- 11.1 In reaching its decision, the Sub-Committee has considered carefully the Report of the Licensing Officer and the representations made both verbally and in writing.
- 11.2 This Sub-Committee must concern itself with the four licensing objectives as laid down in statute:

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

Only the Crime and Disorder objective was engaged in this matter.

- 11.3 The Sub-Committee must have regard to the Licensing Act 2003, the Section 182 Guidance and the Council's Statement of Licensing Policy. The Section 182 Guidance makes it clear that the licensing authority must look to the police as their main source of advice with regard to the prevention of crime and disorder. Durham Constabulary had objections to the transfer of the premises licence holder and the proposed designated premises supervisor. Durham Constabulary had also instigated the review of both premises.
- 11.4 The Section 182 Guidance suggested that the police should only object to the transfer of a premises licence and DPS in exceptional circumstances. The Sub-Committee had heard the representations of Durham Constabulary and were satisfied that there were exceptional circumstances present in this matter.
- 11.5 The Guidance indicated that the Licensing Authority, at a hearing, must consider what is appropriate to promote the particular licensing objective that has been engaged. In this case, the Sub-Committee had to decide what action was appropriate to promote the crime and disorder objective, in determining the applications to transfer the premises licence holder and DPS, and in determining the reviews. The Guidance makes clear at paragraph 9.40 that an application can be refused on the grounds that this is appropriate for the promotion of the licensing objective. The Sub-

Committee noted Mr Morrison's reference to a 'fit and proper' test but were mindful that this was not the correct test to use for these matters.

- 11.6 In accordance with s.52 of the Licensing Act 2003, when dealing with reviews, the Sub-Committee must take such of the steps as it considers appropriate for the promotion of the licensing objectives. The Guidance at paragraph 11.26 states that where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises license, for the promotion of the crime prevention objective. Paragraph 11.27 goes on to say that the employment of a person who is disqualified from work by reason of their immigration status in the UK should be treated particularly seriously. Paragraph 11.28 confirms that where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crime, it is expected that revocation of the licence- even in the first instance- should be seriously considered.
- 11.7 The Sub-Committee heard evidence that Lebaneat Wrap House had been selling alcohol for a two years period without a valid premises licence. Mr Sayed had originally denied that alcohol was being sold at these premises during this time despite the police evidence to the contrary, namely police officers had witnessed a fully-stocked bar and customers being served with alcohol and there were social media comments about alcohol being sold at this time. Mr Sayed now admits that alcohol was being sold during this period. This breach of the Licensing Law is a serious concern to the Sub-Committee.
- 11.8 The Sub-Committee had serious concerns about Mr Sayed's use of the Licensing Act provisions. He has now submitted three applications for the Wrap House to transfer the premises licence holder to Lebaneat (Wrap House) Limited and to transfer the DPS. The first of which applications was refused by the Sub-Committee in September 2018. He went on to submit a further application in October 2018 and withdrew it one day before the hearing to determine the application. He then resubmitted the same application 8 days later which has meant that he has avoided a committee hearing for several more months while the applications have taken immediate interim effect, in accordance with the Act. As such, the Sub-Committee considered that Mr Sayed has a disregard for the licensing laws.
- 11.9 The Sub-Committee heard evidence that the Wrap House was not complying with some licensing conditions in November 2018. This was after Mr Sayed had been sent an email, in August 2018, from a licensing officer to advise him that he needed to familiarise himself with the conditions on the licence to avoid any breaches. The Sub-Committee considered that Mr Sayed should have been fully compliant with the licensing conditions in November 2018, particularly since he had been before the Sub-Committee in September 2018 as well, and should

therefore have been familiar with his licence. His breaches of the conditions would indicate that he was not promoting the licensing objectives at this time. The Sub-Committee noted that the business was checked in January 2019 and it was found to be compliant with the Licensing conditions at that time.

- 11.10 The Sub-Committee heard from the immigration officer that two illegal workers had been found at Lebaneat, North Bailey and one at the Wrap House, following the raids on 2 August 2018. The business has been given civil penalties regarding this. Prior to 2 August 2018, an illegal worker was found at Lebaneat, North Bailey in April 2016 and then the same one was found again in November 2016.
- 11.11 The business' employment of illegal workers is not a one-off incident and has happened on three occasions. This would support Mr Sayed's comment at the police meeting that he does not regard the employment of illegal workers as a serious matter. The Sub-Committee were very concerned with this history and that the business had undermined the crime and disorder objective on several occasions.
- 11.12 The Sub-Committee considered that Mr Sayed had intentionally tried to deceive officers at the time of the raids as he had denied that Sayed Trading Limited was his company, he had stated that its head office was in Beirut and he had shouted at staff to keep quiet and not to speak to anyone.
- 11.13 The Sub-Committee noted that one of the illegal workers that had been found on 2 August 2018 was granted asylum around 16 August 2018. However at the time of the raid, he was not entitled to legally work in the UK.
- 11.14 The Sub-Committee were mindful of the procedures that the business has now put in place for employing staff at all its premises. They noted that the recruiting of staff is through the company Sayed Trading Limited and that the head office for the business is in Meadowfield. It was also noted that Mr Sayed had completed his personal licence holder course in September 2018. They also were aware that the business now has an operations manager, Oana Cotoi. Despite this, the Sub-Committee has serious concerns. Ms Cotoi is not new to the business as she was working there at the time the illegal workers were found. She had also completed her personal licence holder course in July 2018, just before the illegal workers were found at the premises. Ms Cotoi accepted that she was present with Mr Sayed at the time of the raid and in the immigration officer's statement, she has approached the male being questioned and told him to be quiet. The Sub-Committee therefore considered that she knew about the illegal workers at that time. The Sub-Committee were also aware that Mr Sayed has been owner of both premises throughout the time when illegal workers have been found there. He is also the sole director of Lebaneat (Wrap House) Limited and is wanting to be the DPS for the Wrap House. He therefore has a high

level of involvement both in the management of the business and in dealing with the premises licences. Due to the past history of illegal workers at the premises and Mr Sayed's disregard for the licensing laws, the Sub-Committee has no confidence that the crime and disorder objective will be promoted by the business even with the new documentation they have produced.

- 11.15 The Sub-Committee viewed the employment of illegal workers very seriously and is mindful that the workers found were not receiving any payment. The employment of illegal workers can lead to their exploitation and also has an effect on law abiding businesses.
- 11.16 The Sub-Committee considered all the options available to them in the review proceedings but did not have confidence that any conditions they could impose would be complied with given Mr Sayed's past disregard for the licensing laws. They did not consider that any other option other than revocation of the licences would alleviate their concerns as to the management issues of the business.
- 11.17 Taking all the above matters into consideration the Sub-Committee felt that in order to promote the crime and disorder objective, a refusal of the applications to transfer the premises licence holder and DPS at the Wrap House was a necessary and proportionate response and that revocation of the premises licences at both premises was the only option to promote the crime and disorder objective.

Signed

(Chair)

Dated

13 February 2019

PLEASE NOTE:

- An Applicant has a right of appeal against the decision of a Licensing Authority (or a part of it) as does a person who has made relevant representations, where applicable.

- An appeal must be made to the Justices' Chief Executive for the Magistrates Court covering the area in which the premises are situate.
- It is done by Notice given to the Magistrates Court and it must be done, together with the payment of any fee charged for lodging the appeal, within 21 days beginning with the day on which the person appealing was notified by the Licensing Authority in writing of the decision appealed against.
- If you wish to consider making an appeal you are advised to contact the relevant Magistrates Court.
- You may consider it is in your interests to seek legal advice on the matter but if you do it is important to do this quickly in view of the time limit imposed.

Appendix 5: Comments from Planning Authority

From: Leigh Dalby
Sent: 17 May 2019 16:22
To: Helen Johnson - Licensing Team Leader (N'hoods) <
Subject: New premises licence - Lebaneat, 47 North Bailey

Hi Helen,

Further to your recent consultation in relation to the above.

I can confirm that the approved planning hours of operation are controlled by planning condition no.11 (4/03/01178/FPA) which specify 12:00 – 14:30 and 17:30-2300 Tuesday to Sunday.

There is an invalid planning application currently with the authority requesting 12:00 – 23:00 Monday to Sunday. However, whilst these hours would align with your application, this has yet to be considered by the Planning Team.

I hope this is of assistance, should you require any further information, please do not hesitate to contact me.

Regards

Leigh

Leigh Dalby BSc (Hons), MSc
Planning Officer
Planning Development Management

Appendix 6: Responses from Responsible Authorities

Carol Graham - Licensing Assistant (N'hoods)

From: Martin Scott
Sent: 17 May 2019 15:28
To: Carol Graham Licensing Assistant (N'hoods)
Subject: Lebaneat, 47, North Bailey

Dear Carol

Thank you for consulting the Nuisance Action Team, regarding the New Premises licence for:

Lebaneat, 47, North Bailey, Durham,

Dated: 16th, May, 2019.

I have no representations to make regarding the application.

Regards

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

Direct:
Switchboard: 03000 260000
E-mail:

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

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

Carol Graham - Licensing Assistant (N'hoods)

From: Lee Peacock
Sent: 16 May 2019 11:47
To:
Cc: Carol Graham - Licensing Assistant (N'hoods); AHS Licensing
Subject: Response from Durham Safeguarding Children Partnership to new licence application

New application Lebeneat, North Bailey

Good Afternoon,

My Ref: LP/2019/047

I represent the Durham Safeguarding Children Partnership (DSCP) which is a responsible authority under the licensing act. I have received a copy of your application for a premises licence for your premises at Lebeneat

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

Regards

Lee



Durham Local Safeguarding Children Board

(LSCB) is changing

On 1 April we will become
Durham Safeguarding Children Partnership (DSCP):
dscpsecure@durham.gov.uk www.durham-scp.org.uk



Lee

Peacock
Strategy & Development Officer
Durham LSCB
Durham County Hall
DH15UJ

lscb-gcsx@durham.gov.uk
www.durham-lscb.org.uk



Chief Fire Officer: Stuart Errington

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

Date: 21 May 2019

This matter is being dealt with by: **Daniel Thompson**

Our Ref: 7D40850470

Your Ref:

Direct Dial Telephone: 1

E-mail: 1

Carol Graham
Regeneration and Local Services
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

Dear Sir Madam

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Lebanese Restaurant, 47 North Bailey, Durham, DH1 3ET

I acknowledge your application dated 16 May 2019 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

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

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

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

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

Yours faithfully

Daniel Thompson
Fire Safety Section



www.ddfire.gov.uk

Carol Graham - Licensing Assistant (N'hoods)

From: Sean Barry
Sent: 29 May 2019 11:22
To: Carol Graham - Licensing Assistant (N'hoods)
Cc: AHS Licensing
Subject: RE: Licensing - new premises licence application received - Lebaneat, 47 North Bailey, Durham

Good Morning

I have received a new licence application for the establishment: Lebaneat, 47 North Bailey, Durham. DH1 3ET

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

My Ref: PH/2019/048

Thanks
Sean

Appendix 7: Statement of Licensing Policy

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

7.0 The Prevention of Crime and Disorder

7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.

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

7.3 The Licensing Authority recommends that all applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit 14 television in certain premises should be considered by applicants, licensees and event organisers when addressing this issue.

7.4 The Licensing Authority encourages Personal Licence holders to actively participate in established "Pubwatch" schemes, where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "Best Bar None" initiative which enables premises to demonstrate good safe operating procedures. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

7.5 The Licensing Authority recognises and promotes effective and responsible management of all licensed and authorised premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are considered to be among the most important control measures for the achievement of all Licensing Objectives. The Licensing Authority will take a positive view of anyone who invests in appropriate training, and in particular nationally accredited qualifications tailored to the Licensing sector. Training records should be kept available for inspection by all enforcement agencies.

7.6 The application for premises licence must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years.

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

arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. The Licensing Authority considers it to be good practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:

- ☐ Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises.
- ☐ At all times when the premises is a "vertical drinking establishment" where little or no seating is provided.
- ☐ At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

7.8 The Licensing Authority will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that particular premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

7.9 Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager.

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

7.11 In addition to the requirement of the Licensing Authority to promote the Licensing Objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can do to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

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

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

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

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

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

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

Appendix 8: Section 182 Guidance

Crime and disorder

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

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