

Statutory Licensing Sub-Committee

1st October 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:

Sherburn

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for Shergill Stores, 80 Front Street, Sherburn, Durham DH6 1HD.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application is for the grant of a premises licence for Shergill Stores, 80 Front Street, Sherburn, Durham DH6 1HD. For members information Mr Singh currently operates a store named Shergill Stores at 24 Front Street, Sherburn, Durham which was granted a licence by the Statutory Licensing Sub Committee on 13th November 2018. Mr Singh has stated on this application form that the existing licence at number 24 will be surrendered if the new store (number 80) were to be granted a premises licence.
- 4 Within the consultation period Durham Constabulary considered the new application for 80 Front Street Sherburn and mediated with the applicant on 2nd September 2019 and agreed additional conditions. However, since the mediation Durham Constabulary carried out an intelligence lead test purchase operation at 24 Front Street in Sherburn and it failed - selling alcohol to a 15 year old volunteer. Durham Constabulary now have concerns that the owner Mr Singh has already failed to promote the licensing objective at his current store and

subsequently submitted a representation on 12th September 2019 in opposition to the premises licence application for the new store at 80 Front Street Sherburn.

- 5 Durham Safeguarding Children Partnership mediated with the applicant and additional conditions were agreed. Durham County Council Public Health, Durham County Council Environmental Health and Durham County Council Planning have all responded to the consultation with no comments.

Recommendation(s)

- 6 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 7 The Sub-Committee is recommended to give appropriate weight to:
- (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations 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

- 8 Background information

Applicant	Mr Amrik Singh	
Type of Application:	Date received:	Consultation ended:
Grant of a premises licence	15th August 2019	12th September 2019

Details of the application

- 9 An application for the grant of a premises licence was received by the Licensing Authority on 15th August 2019. See Appendix 3.
- 10 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 11 The application has requested the following licensable activities:

Current Licensable Activities	Days & Hours
Sale by Retail of Alcohol (off sales only)	Monday to Saturday 06:30 hrs -22:30 hrs Sunday 09:30 hrs – 22:00 hrs
Opening Hours	Monday to Saturday 06:30 hrs -22:30 hrs Sunday 09:30 hrs – 22:00 hrs

- 12 The applicant has proposed conditions and the steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application form. Members should refer to Durham County Council's Statement of Licensing Policy -"framework of licensing hours, recommended hours for operation of licensable activities within the County of Durham".

The Representations

- 13 The Licensing Authority received three letters of representation during the consultation period, two in opposition, namely Durham Constabulary (Responsible Authority) and Cllr Kellett, (other person) and a letter in support of the licence holder was received from Ms Leary (other person).
- 14 The Licensing Authority deemed the representations as relevant, relating to the following licensing objectives:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Protection of Children from Harm

A copy of the representations are attached as Appendix 4.

- 15 Durham Constabulary and Durham Safeguarding Children Partnership mediated with the applicant and additional conditions were agreed. Copies attached at Appendix 5.
- 16 Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the application.
- Durham County Council's Public Health Department
 - Durham County Council's Environmental Health Department
 - Durham County Council's Planning Department

A copy of the responses are attached as Appendix 6.

The Parties

17 The Parties to the hearing will be:

- Mr Amrik Singh (Applicant)
- Durham Constabulary – Responsible Authority
- Cllr Kellett - other person
- Ms Leary – other person

Options

18 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

19 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

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

See Appendix 1

Conclusion

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

Background papers

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

Other useful documents

- None
-

Contact: Karen Robson

Tel: 03000 265104

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

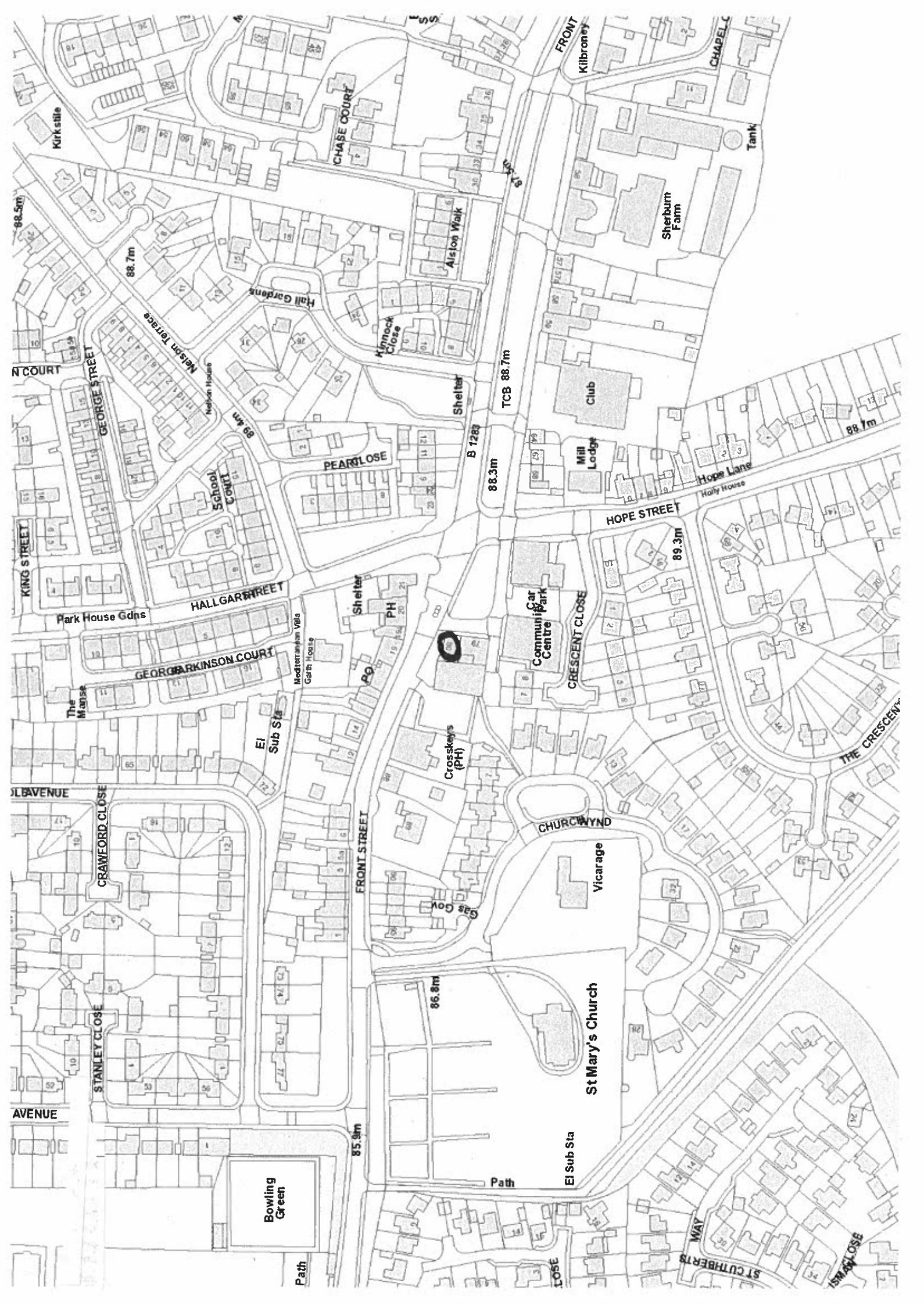
The Responsible Authorities were consulted on the application.

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

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

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

Appendix 2: Location Plan



Kirk stlle
88.5m
N COURT
KING STREET
GEORGE STREET
Nelson Terrace
Nelson House
88.7m

CHASE COURT
Aislop Walk
Kinnock Close
Hall Gardens
School COURT
PEARLOSE
88.4m
Shelter
TCB 88.7m
Club
Mill Lodge
88.7m

Park House Gdns
HALL GARDEN STREET
GEORGE BARKINSON COURT
The Mansie
Mediterranean Villa
Garth House
88.3m
Shelter
PH
B 1283
88.3m
Hope Lane
Holly House
88.7m

ELAVENUE
CRAWFORD CLOSE
STANLEY CLOSE
Ei Sub Sta
89.3m
CRESCENT CLOSE
THE CRESCENT
89.3m

AVENUE
Bowling Green
Path
85.8m
FRONT STREET
Gas Gov
86.8m
Vicarage
St Mary's Church
Ei Sub Sta
Path
85.8m

FRONT
Kilbroney
CHAPEL
Tank
Sherburn Farm
88.7m

HOPE STREET
89.3m
COMMUNITY CAR PARK CENTRE
CRESCENT CLOSE
CHURCH WYND
Vicarage

STANLEY CLOSE
ST CUTHERTS WAY
ISMAEL CLOSE

Appendix 3: Application Form

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We AMRIK SINGH
(Insert name(s) of applicant)

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

Part 1 - Premises details

Sherburn Stores

Postal address of premises or, if none, ordnance survey map reference or description			
<u>80 FRONT STREET SHERBURN VILLAGE</u>			
Post town	<u>DURHAM</u>	Postcode	<u>DH6 1HD</u>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 - Applicant details

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

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

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev) <input type="checkbox"/>
Surname <i>Singh</i>		First names <i>Amrik</i>		
Date of birth				
Nationality				
Current reside address if diff premises addr				
Post town				
Daytime cont				
E-mail addre (optional)				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)				

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SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname		First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes
Nationality				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)				
Current residential address if different from premises address				
Post town		Postcode		
Daytime contact telephone number				
E-mail address (optional)				

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)

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

Part 3 Operating Schedule

When do you want the premises licence to start? DD MM YYYY []

If you wish the licence to be valid only for a limited period, when do you want it to end? DD MM YYYY []
N/A

Please give a general description of the premises (please read guidance note 1)
 PREMISES ARE ON FRONT STREET OF SHERBURN VILLAGE & ITS OVER THE ROAD FROM OUR CURRENT PREMISES SHERGILL STORES DMB HD THE PREMISES GOT PARKING ON BOTH SIDE OF THE BUILDING AS WELL AS ON THE MAIN ROAD OPPOSITE TO THE PREMISES, WE CURRENTLY HOLD LICENCE OVER THE ROAD WHICH WE WILL SURRENDER IF

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

WE WERE TO GET LICENCE FOR NO 80 FRONT STREET SHERBURN VILLAGE DMB HMB

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

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

- | Provision of regulated entertainment (please read guidance note 2) | Please tick all that apply |
|--|----------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |

f) recorded music (if ticking yes, fill in box F)

g) performances of dance (if ticking yes, fill in box G)

h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	6.30 AM	10.30 PM						
Tue	6.30 AM	10.30 PM						
Wed	6.30 AM	10.30 PM						
Thur	6.30 AM	10.30 PM				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	6.30 AM	10.30 PM						
Sat	6.30 AM	10.30 PM						
Sun	9.30 AM	10.00 PM						

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

Name	AMRIK SINGH
Date of birth	
Address	
Postcode	
Personal licer	
Issuing licens	

*
*

K

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

THERE WILL BE NO SUCH ACTIVITIES
AT THE PREMISES

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	<p>NONE</p> <hr/> <p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>ONLY OPEN TO PUBLIC AS LISTED ON COLUMN ON THE LEFT</p>
Mon	6.30 AM	10.30 PM	
Tue	"	"	
	"	"	
Wed	"	"	
	"	"	
Thur	"	"	
	"	"	
Fri	"	"	
	"	"	
Sat	"	"	
	"	"	
Sun	9.30 AM	10.00 PM	

M

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

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

STROING MANAGEMENT CONTROL & EFFECTIVE TRAINING
OF ALL STAFF
NO SELLING OF ALCOHOL TO UNDERAGE
NO DRUNK & DISORDERLY BEHAVIOR ON THE PREMISES
NO VIOLENT & ANTI-SOCIAL BEHAVIOR
NO HARM TO CHILDREN
CHALLENGE 25, 8 CAMERA CCTV SYSTEM, STAFF TRAINING

AS A LICENCED PREMISES WE KNOW ITS NECESSARY TO CARRYOUT ALL

b) The prevention of crime and disorder ~~THESE~~ OBJECTIVES

CCTV CAMERAS INSIDE & OUTSIDE WILL BE INSTALLED TO
PREVENT CRIME OBJECTIVE
A CLEAR & LEGIBLE NOTICE OUTSIDE PREMISES INDICATING NORMAL
MOVES WHEN LICENCING ACTIVITIES ARE PERMITTED
NO SELLING TO DRUNK PEOPLE
STAFF WILL BE TRAINED IN ASKING AGE OF CUSTOMERS &
PREVENT DRINKING AT PREMISES CANN OR BOTTLED ALCOHOL

c) Public safety

A REFUSAL BOOK WILL BE KEPT FOR RECORDS
INTERNAL AND EXTERNAL LIGHTING FIXED TO PROMOTE PUBLIC SEFTY OBJECTIVES
TRAINING AND IMPLIMENT OF UNDERAGED ID CHECKS.
RECORDING SYSTEMS SHALL BE KEPT UPON THE PREMISES IN WHICH SHALL BE ENTERED
PARTICULARS OF INSPECTIONS MADE, THAT REQUIRED THE
RECORDING OF SUCH INFORMATION.
THE LOG BOOK SHALL BE KEPT AVAILABLE FOR INSPECTION WHEN REQUIRED BY
PERSONS AUTHORIZED BY THE LICENCING ACT 2003 & ASSOCIATED LEGISLATION

d) The prevention of public nuisance

ROAD NOISE REDUCTIONS MEASURES TO ADDRESS THE PUBLIC NUISANCE
OBJECTIVE, PROMINENT, CLEAR AND LEGIBLE NOTICE WILL BE DISPLAYED
FROM AT THE ENTR REQUESTING THE PUBLIC TO RESPECT THE NEEDS OF
NEARBY RESIDENTS AND TO LEAVE THE PREMISES AND THE AREA
QUIETLY.
DELIVERIES OF GOODS NECESSARY FOR THE OPERATION OF THE BUSINESS
WILL BE CARRIED OUT AT SUCH A TIME OR IN SUCH A MANNER AS TO
PREVENT NUISANCE AND DISTURBANCE TO NEARBY RESIDENCES.

e) The protection of children from harm

"CHALLENGE 25" SIGN WHICH IS A RETAILING STRATEGY THAT
ENCOURAGE ANYONE WHO IS OVER 18 BUT LOOKS UNDER 25 TO CARRY
A ACCEPTABLE ID (A CARD BEARING THE PASS PHOTOGRAPH, A PHOTOGRAPHIC
DRIVING LICENSE OR A PASSPORT) IF THEY WISH TO BUY ALCOHOL
WELL TRAINED STAFF ABOUT REQUIREMENT FOR PERSONS IDENTIFICATION
AGE ESTABLISHMENT ETC. ALL THE DETAILS PROVIDED IN TRAINING
RECORD BOOK AVAILABLE THE RETAIL UNIT

LOG BOOK WILL BE KEPT UPON THE PREMISES ALL THE TIME
NOTHING BELONG EXISTING HEALTH & SAFETY REQUIREMENTS.

Checklist:

Please tick to indicate agreement

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

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

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

Part 4 – Signatures (please read guidance note 11)

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

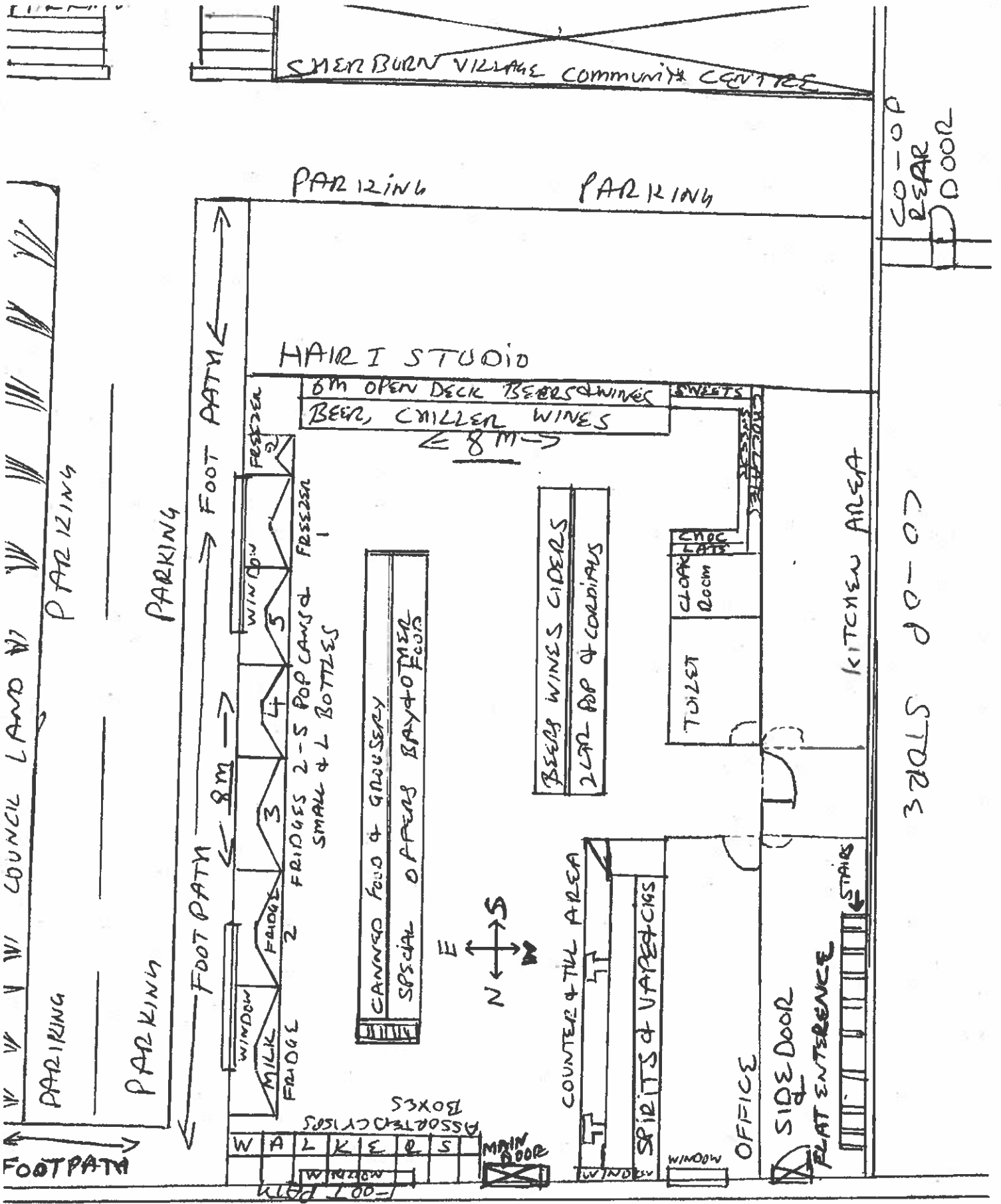
Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or
--------------------	---

	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	
Capacity	C / L

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

Signature	
Date	
Capacity	

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



EVERYDAY NEWS
 LAMBTON ARMS
 BRIPRA WEAIR
 FRONT STREET SMERBURN VILLAGE
 FOOT PATH

Appendix 4: Representations

REPRESENTATION FROM DURHAM CONSTABULARY

From: Iain Robertson <_____
Sent: 12 September 2019 05:47
To: Yvonne Raine <_____
Cc: Michelle Williamson <_____
Subject: Objection from Durham Constabulary - Shergill Stores

12/09/19

To Durham County Council

Durham Constabulary wish to object to the new premises application for Shergill Stores, 80 Front Street, Sherburn on the grounds of Protection of Children from Harm. Durham Constabulary had initially mediated and agreed additional conditions with the applicant however since then the premises has failed a test purchase and as a result Durham Constabulary now wish to object.

The applicant currently has another shop in the Sherburn village also called Shergill Stores, which is situated at 24 Front Street, Sherburn; his intension is to surrender this licence if the new premises licence for 80 Front Street is granted. However, over the last few months intelligence has been received from the local community suggesting that youths are purchasing alcohol from this shop.

In the last couple of weeks, a test purchase operation was carried out on the premises resulting in alcohol being sold to a 15 year old volunteer. Durham Constabulary have concerns that the same people, the owner and his staff, have already failed to promote the licensing objective of Protection of Children from Harm by serving a 15 year child volunteer alcohol, will be operating and working in the new premises.

Many Thanks

PC Iain Robertson
Alcohol Harm Reduction Officer
Durham Constabulary

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

URN

Statement of Michelle Williamson

Age if under 18: over 18

(if over 18 insert 'over 18')

Occupation: Licensing PCSO

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

Signature

Date 18th September 2019Tick if victim wishes to personally read their Victim Personal Statement aloud in Court: Tick if witness evidence is visually recorded *(supply witness details on rear)*

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

Durham Constabulary objected to the new premises application for Shergill Stores, 80 Front Street, Sherburn on the grounds of Protection of Children from Harm. Durham Constabulary initially mediated and agreed additional conditions with the applicant however the premises have since failed a test purchase.

The applicant currently has another shop in Sherburn village also called Shergill Stores, which is situated at 24 Front Street, Sherburn; his intension is to surrender this licence if the new premises licence for 80 Front Street is granted. However, over the last few months intelligence has been received from the local community suggesting that youths are purchasing alcohol from this shop.

On Friday 30th August 2019 a test purchase operation was carried out on the premises resulting in alcohol being sold to a 15 year old volunteer. Durham Constabulary have concerns that the same people, the owner and his staff, have already failed to promote the licensing objective of Protection of Children from Harm by serving a 15 year child volunteer alcohol, will be operating and working in the new premises.

The test purchase operation was organised as over the past few months Durham Constabulary and Durham County Council's Trading Standards have received intelligence that Shergill Stores, 24 Front Street, Sherburn have been serving alcohol to underage youths.

At 12:30 hours on Thursday 25th July 2019, I visited the premises and advised Mr Singh that intelligence has been received which suggests youths have been purchasing alcohol from his premises. He assured me that the premises operate a challenge 25 policy and him and his wife are the only ones that work in the premises and they carry out all the necessary when serving alcohol. I checked the refusal register which seemed to be in order.

On Friday 30th August 2019 I was on duty taking part in Operation _____ which was a Trading Standards authorised test purchase operation in the north area of County Durham. The operation involved sending a child volunteer wearing a covert camera into off licensed premises, the child volunteer would attempt to purchase alcohol with an ABV above 0.5%.

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

were 18. The child volunteers were also instructed to state they had no identification if asked. The child volunteer for this operation was 15 years of age.

Approximately 15:48 hrs on that day the child volunteer entered Shergill Stores, 24 Front Street, Sherburn, DH6 1HB and purchased a bottle of Blossom Hill Pale Rose wine with an abv of 11% from an Asian female in her 40's. The volunteer was not challenged in any way.

Approximately 16:40hrs on Friday 13th September 2019 I attended the premises and advised the owner Amrik SINGH that at approximately 15:48 hrs on 30th August 2019 myself and trading standards were carrying out a test purchase operation in the area and a child volunteer were sent into the store and purchased alcohol and asked SINGH who was working in the store at that time. SINGH informed me that it was his wife and provided me with her details. I then explained to SINGH the process which would follow regarding the sale of alcohol.

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

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

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

I also informed SINGH that Durham Constabulary had objected to the new premises application he had submitted for the new Shergill Stores and the matter would be dealt with by the licensing committee.

Signature:

Signature witnessed by:

REPRESENTATION FROM CLLR KELLETT

From: Cllr Bill Kellett
Sent: 15 August 2019 16:18
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: Shergill. Stores, Sherburn Village

I wish to oppose a granting of licensed premises on the following grounds

This is a busy road close to a mini roundabout which already has a history of accidents. There is no parking, as I see it, for these premises which is therefore likely to make a difficult traffic situation even worse. Vehicles, both offloading goods as well as customers would have to park in front of these premises

Regards. Cllr. Bill Kellett (Sherburn Division)

REPRESENTATION FROM MS LEARY – IN SUPPORT

From: A Leary < >
Sent: 27 August 2019 21:06
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: License Amrik Shergill

Hi

Regards the application for an alcohol license for the shop at 80 Front Street, Sherburn, Durham DH6 1DX.

I would like to say the couple who are taking this shop on are extremely thorough with the sale of alcohol. They have challenge 25 in place. They also have a book to write names in of people trying to purchase alcohol underage. There has been no problems with the other shop they run in the village and no increase in drinking in the streets or any increase in antisocial behaviour.

Also no increase in litter from the shop the litter is mostly from Cooplands The couple are friendly and work extremely hard they have built up a trust with the younger residents of the village. Opening up a little earlier for them to pop in buy sweets, pop ect before school.

The food they sell is of excellent quality and we need a takeaway in the village something we do not have in the village.

I hope this is granted as they will be an asset to our ever growing village another 120 houses

A Leary

Appendix 5:

Mediation with Durham Constabulary

Mediation with Durham Safeguarding Children Board

From: Helen Johnson - Licensing Team Leader (N'hoods)
Sent: 02 September 2019 15:14
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: FW: Shergill Stores, Sherburn
Attachments: Shergill Stores.docx

Hi Carol

Please see attached the list of conditions which have been agreed.

Thanks

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

From: Michelle Williamson <[mailto:Michelle.Williamson@pcso.durham.gov.uk](#)>
Sent: 02 September 2019 08:09
To: Helen Johnson - Licensing Team Leader (N'hoods) <[mailto:hjohnson@pcso.durham.gov.uk](#)>
Subject: FW: Shergill Stores, Sherburn

Hi Helen

I've had a reply from Mr Singh from Shergill Stores, see below however, he didn't reply to you. He did copy Carole into his reply but didn't include the list of conditions.

Thanks
Michelle

PCSO 6832 Williamson
Harm Reduction Unit
Annand House
John Street North
Meadowfield
Durham
DH7 8RS

From: Amrik [[mailto:Amrik@pcso.durham.gov.uk](#)]
Sent: 01 September 2019 10:55
To: Michelle Williamson <[mailto:Michelle.Williamson@pcso.durham.gov.uk](#)>

Cc: Carol Graham - Licensing Assistant <
Subject: Re: Shergill Stores, Sherburn

Hi Michelle
I am happy for this to be added to the list of conditions
Regards
Amrik

On 31 Aug 2019, at 22:37, Michelle Williamson <

> wrote:

Hi Mr Singh

I'm currently processing the new premises licence application you have submitted for Shergill Stores, 80 Front Street, Sherburn.

I have attached a list of conditions which I would like to see added to the application. If your happy to have these conditions adding, please reply to both myself and Helen Johnson who is copied into this email, instructing us to do so.

I can be contacted on the below telephone numbers if you need to speak to me about the application.

Many thanks
Michelle

PCSO 6832 Williamson
Harm Reduction Unit
Annand House
John Street North
Meadowfield
Durham
DH7 8RS

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<Shergill Stores.docx>

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Operating Schedule

B) The Prevention of crime & disorder

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

Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.

Cameras shall encompass the inside and outside of all entrances and exits to the premises and rear yards and all areas inside the premise where the sale / supply of alcohol occurs.

Equipment must be maintained in good working order, be correctly times and date stamped. Recordings must be kept for a period of 28 days.

The Premise Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage onto hard drive or memory stick provided to the police / local authority within a reasonable timescale agreed between the Officer and appointed person.

The recording equipment and discs / memory sticks shall be kept in a secure environment under the control of the DPS or other responsible named individual.

An operational weekly log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

Spirits will be shelved behind the counter / till area.

C) Public Safety

Fire exits and fire equipment clearly marked.

All staff must be aware of requirements regarding health and safety.

First aid facilities will be available.

An incident log will be kept at all times.

E) The Protection of Children from Harm

A proof of age policy in place for people under 25 years of age via the Challenge 25 scheme.

The only forms of identification we will accept are a passport, a photo driving licence and 'PASS' hologram I.D.

NOT PROTECTIVELY MARKED

A refusal register will be kept and endorsed after every sale of alcohol and entry to premise refused, this is to include over 18's purchasing alcohol and passing it to under 18's (proxysales).

NOT PROTECTIVELY MARKED

From: Helen Johnson - Licensing Team Leader (N'hoods)
Sent: 20 August 2019 14:14
To: Carol Graham - Licensing Assistant (N'hoods)
Cc: Mark Quinn
Subject: FW: New premises licence application - Shergill Stores, Sherburn Village

Hi Carol

Please see below where the applicant has agreed to add the below condition.

Thanks

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

From: Amrik < >
Sent: 20 August 2019 13:50
To: Helen Johnson - Licensing Team Leader (N'hoods) <Helen.Johnson2@durham.gov.uk>
Subject: Re: New premises licence application - Shergill Stores, Sherburn Village

Hi Helen
Yes I am happy to add this no problem
Regards
Amrik

Sent from my Smart Phone

On 20 Aug 2019, at 10:40, Helen Johnson - Licensing Team Leader (N'hoods) < >
wrote:

Dear Mr Singh

As you are aware the new premises licence application is out to consultation. I have received a response from Durham Safeguarding Children Board who are one of the responsible authorities and they would like you to consider the below condition to be added to the operating schedule. Can you please let me know if you are happy for this to be added and if so respond stating you wish to amend the application to include it.



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

Kind regards

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

Appendix 6: Responses from Responsible Authorities

From: Sean Barry
Sent: 21 August 2019 13:35
To: Carol Graham - Licensing Assistant (N'hoods)
Cc: AHS Licensing
Subject: RE: Licensing - new premises licence application received - Shergill Stores, Sherburn

Good Afternoon

I have received a new licence application for the establishment: Shergill Stores, 80 Front Street, Sherburn village. DH6 1HD

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

My Ref: PH/2019/092

Thanks
Sean

From: Carol Graham - Licensing Assistant (N'hoods) <Carol.Graham2@durham.gov.uk>
Sent: 15 August 2019 13:32
To:
Subject: Licensing - new premises licence application received - Shergill Stores, Sherburn

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

Les/Enforcement - can you check that the blue notice is on display correctly.

1

Application Type - Application for a new Premises Licence

Applicant: - Mr Amrik Singh

Premises – Shergill Stores, 80 Front Street, Sherburn village. DH6 1HD

Date of Application – 15 August 2019

Last date for representations – 12 September 2019

Please note the last date for representations

From: Martin Scott
Sent: 15 August 2019 16:43
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: Shergill Stores, 80, Front Street, Sherburn.

Dear Carol

Thank you for consulting the Nuisance Action Team, regarding the new Premises Application for:
Shergill Stores, 80, Front Street, Sherburn,

Dated: 15th, August, 2019.

I have no representations to make regarding the application.

Regards

Martin Scott
Senior Environmental Health Officer
Community Protection Service
Regeneration and Local Services

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From: Lisa Morina
Sent: 16 August 2019 13:24
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: 80 Front Steet - CON28/19/02279

Carol

Proposed Application for a new Premises Licence.
At 80 Front Street Sherburn Durham DH6 1HD

I refer to the above license application.

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

It is understood the previous use of this property was as a hairdressers and this would fall under the same use class as a shop.

I trust this information is of assistance.

Thanks

Lisa

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

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Appendix 7: Statement of Licensing Policy

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 Premises	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	<ul style="list-style-type: none"> • 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 authorising the sale of alcohol for consumption off the premises only	07.00 to 23.30	07.00 to 00.30	<ul style="list-style-type: none"> • 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 00.00	07.00 to 01.00	<ul style="list-style-type: none"> • Good Friday Plus 1 Hour • For all other bank holidays, an additional hour be added



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.

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

8.0 Public Safety

8.1 The Act covers a wide range of premises that require Licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants.

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

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

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

10.0 Protection of Children from Harm

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

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

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

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

- Limitations on the hours when children may be present.
- Limitations on under 18s
- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult to be present.
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature).
- Limitations on the parts of premises to which children might be given access.
- Any other limitations appropriate to the application and according with the four licensing objectives.

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

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

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

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

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

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

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

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

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

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

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

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

Appendix 8: Section 182 Guidance

Crime and disorder

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

appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

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

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

¹ S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;

- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

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

each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act

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