

Statutory Licensing Sub-Committee

25th January 2022

Application for the grant of a
Premises Licence

Ordinary Decision



Report of Alan Patrickson, Corporate Director of Neighbourhoods
and Climate Change

Councillor John Shuttleworth, Cabinet Portfolio Holder for
Neighbourhoods and Local Partnerships

Electoral division(s) affected:

Elvet and Gilesgate, Durham

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a Premises Licence for 11 North Road, Durham DH1 4SH
- 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 and was submitted to the Licensing Authority on 2nd December 2021 by A2Z Licensing on behalf of the applicant Mr Mohammed Asif Shariff.
- 4 The application originally requested the following:
 - Provision of Late Night Refreshment indoors between 11.00 pm and 4.00 am Monday to Sunday.
- 5 On 23rd December 2021, following mediation with Durham County Council's Environmental Health Department, the applicant amended the requested timings as follows:
 - Provision of Late Night Refreshment amended to 11.00 pm until 3.30 am Monday to Saturday and on Sundays of a Bank Holiday weekend and from 11.00 pm until 1.30 am on Sunday.

- 6 During the consultation period, the Licensing Authority received two objections: one from Durham Constabulary (Responsible Authority) and one from the Durham City Parish Council (Other Person).
- 7 The Licensing Authority made both objectors aware of the applicants amendments to the application but they both indicated that they still wished to proceed with their initial representations.
- 8 The Planning Department and the Fire Safety Authority replied 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

Applicant	Mr Mohammed Asif Shariff	
Type of Application: New Premises Licence	Date received: 2nd December 2021	Consultation ended: 30th December 2021

Details of the application

- 12 An application for the grant of a new Premises Licence was received by the Licensing Authority on 2nd December 2021.
- A copy of the application is attached at Appendix 3.

13 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.

14 On 23rd December 2021, following mediation with Durham County Council's Environmental Health Department, the applicant amended the requested timings to the following:

- Provision of Late Night Refreshment amended to 11.00 pm until 3.30 am Monday to Saturday and on Sundays of a Bank Holiday weekend and from 11.00 pm until 1.30 am on Sunday.

For confirmation, see Appendix 4.

15 The licensable activity and timings requested are now as follows:

Licensable Activity	Days & Hours
Late Night Refreshment (Indoors)	Monday to Saturday: 23:00 – 03:30 hrs Sunday: 23:00 – 01:30 hrs Sundays of a Bank Holiday weekend: 23:00 – 03:30 hrs
Open to the public	Monday to Saturday: 11:00 – 03:30 hrs Sunday: 11:00 – 01:30 hrs Sundays of a Bank Holiday weekend: 11:00 – 03:30 hrs

16 The applicant has proposed the conditions and 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 During the consultation period, the Licensing Authority received two objections from the following:

- Durham Constabulary (Responsible Authority)
- Durham City Parish Council (Other Person)

18 The Licensing Authority deemed the objections/representations as relevant, relating to the following licensing objectives:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance

Copies of the objections/representations are attached at Appendix 5.

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

- The Council's Planning Department
- County Durham and Darlington Fire Safety Authority

Copies of the responses are attached at Appendix 6, for information only.

The Parties

20 The Parties to the hearing will be:

- Mr Mohammed Asif Shariff (Applicant)
- Mr David Wilson, A2Z Licensing (Applicant's Agent)
- Durham Constabulary (Responsible Authority)
- Durham City Parish Councillor Nicola Brown (Other Person)

Options

21 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

- 22 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

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

See Appendix 1

Conclusion

- 24 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.

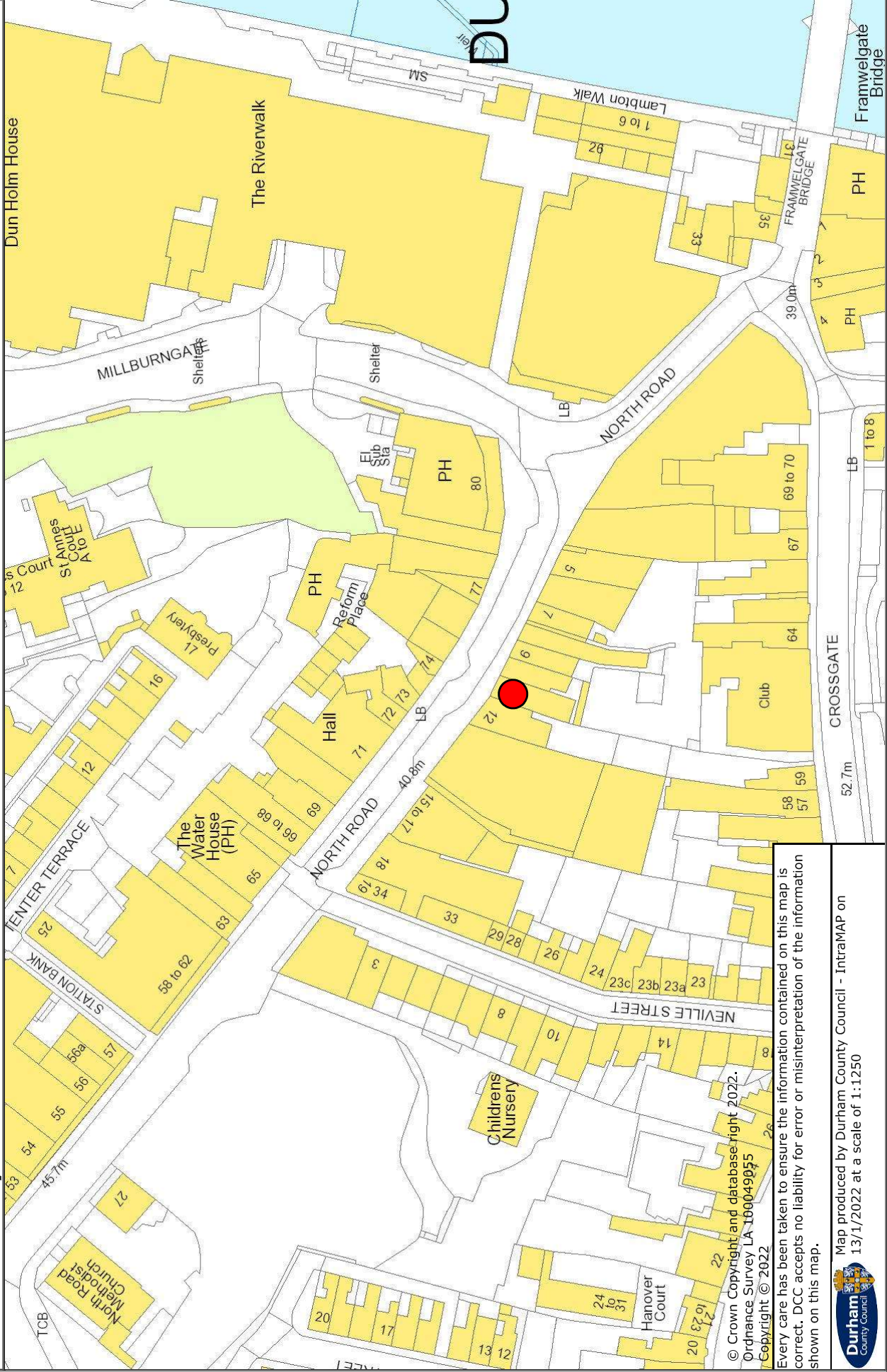
The notice of application was displayed on the premises for a period of 28 days.

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

Durham County Council - IntraMAP



Map produced by Durham County Council - IntraMAP on 13/1/2022 at a scale of 1:1250



Appendix 3: Premises Licence Application

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 Mohammed Asif Shariff

(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

Postal address of premises or, if none, ordnance survey map reference or description			
11 North Road			
Post town	Durham	Postcode	DH1 4SH
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£19,500	

Part 2 - Applicant details

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)
- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) 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	Miss	Ms	Other Title (for example, Rev)	
Surname Shariff			First names Mohammed Asif		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (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)					
A copy of the applicant's expired passport is included with the application.					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		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
3	1	12 2021

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The premises consist of the ground floor of a three-storey terraced property of stone construction with slate roof. The upper two floors consist of student accommodation. This stretch of North Road (the upper stretch) is a one-way street and is a restricted bus, taxi and cycle lane between 10:00 and 06:00. The area has a mixed retail, hospitality and residential use, the latter being predominantly student accommodation. During the daytime, the primary use is retail and hospitality with cafés, coffee shops, bars and restaurants. In the evening there is a thriving restaurant and bar culture and at weekends some of the bars and nightclubs operate until the early hours of the morning. The premises are situated next door but one to Babylon (a sports bar / nightclub) and the Loft (nightclub). Customers and delivery drivers attending the premises to collect late night refreshment food orders can, however, park nearby in loading bays on the lower stretch of North Road, which is only about 100 metres from the premises, which can be accessed via Milburngate.

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

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)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- 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)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
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	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			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)		
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	
Day	Start	Finish		Outdoors	
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)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
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	
				Outdoors	
				Both	
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)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors		
Day	Start	Finish		Outdoors		
Mon				<u>Please give further details here</u> (please read guidance note 4)	Both	
	-----	-----				
Tue						
	-----	-----				
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)			
	-----	-----				
Thur						
	-----	-----				
Fri			<u>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</u> (please read guidance note 6)			
	-----	-----				
Sat						
	-----	-----				
Sun						
	-----	-----				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<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)		
Fri					
Sat			<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)		
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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23:00	04:00	<u>Please give further details here</u> (please read guidance note 4) The premises is a hot food takeaway selling a range of gourmet burgers, pizzas, wraps and kebabs complimented by salads, side orders and dips, as well as desserts and soft drinks.		
Tue	23:00	04:00			
Wed	23:00	04:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) There will be no seasonal variations.		
Thur	23:00	04:00			
Fri	23:00	04:00	<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) There will be no non-standard timings.		
Sat	23:00	04:00			
Sun	23:00	04:00			

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	
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	-----				
Tue	-----				
Wed	-----				
Thur	-----				
Fri	-----				
Sat	-----				
Sun	-----				
			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)		

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	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

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 are no adult services, activities, entertainment or ancillary matters to give rise to any concern in respect of children.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5) There will be no seasonal variations.
Day	Start	Finish	<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) There will be no non-standard timings.
Mon	11:00	04:00	
Tue	11:00	04:00	
Wed	11:00	04:00	
Thur	11:00	04:00	
Fri	11:00	04:00	
Sat	11:00	04:00	
Sun	11:00	04:00	

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)

- (1) Staff will undertake training in relation to the conditions of the premises licence upon appointment and at least annually thereafter. A record of each individual's training will be maintained and be available for inspection at the premises at all times by a responsible authority.
- (2) No orders for late night refreshment shall be taken in the 30 minutes before the terminal hour for the provision of late night refreshment.

b) The prevention of crime and disorder

- (1) The premises shall install and maintain a comprehensive CCTV system as per the following requirements:
 - (a) Cameras will be sited to observe both entrances and exit doors, both inside and outside.
 - (b) Cameras on the entrances will capture full frame shots of the head and shoulders of persons entering the premises.
 - (c) Cameras viewing till areas will capture frames not less than 50% of the screen.
 - (d) Cameras overlooking floor areas will be wide angled to give an overview of the premises.
 - (e) recorded images will be capable of visually confirming the nature of any crime committed on the premises.
 - (f) Provide a linked record of the date, time and place of any recorded image.
 - (g) Provide good quality images – colour when licensable activities may be provided.
 - (h) Operate under existing light levels within and outside the premises.
 - (i) Have the recording device located in a secure area or locked cabinet, if not stored remotely using cloud computers.
 - (j) Have a monitor to review images and recorded picture quality.
 - (k) Be regularly maintained to ensure continuous quality of image capture and retention.
 - (l) Have signs displayed in the customer area to advise that CCTV is in operation.
 - (m) Digital images will be kept for at least 31 days.
 - (n) Police will be given access to images at any reasonable time.

- (o) The equipment will have a suitable export method, eg CD/DVD writer, so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (ie. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD/DVD can be replayed by the police on a standard computer. Copies will be made available on police request.
- (2) Signs shall be displayed at the entrance and in the customer area to advise that CCTV is in operation.
- (3) Front of house staff (ie, staff whose primary function is to serve customers) will undertake conflict management training provided by an Institute of Conflict Management Approved Quality Centre or by a similarly accredited provider upon appointment and annually thereafter. A record of each individual's training will be maintained and be available for inspection at the premises at all times by a responsible authority.
- (4) In the event that the premises begins to experience levels of anti-social behaviour that are too frequent and / or challenging and / or dangerous for staff to safely manage, a written risk assessment shall be conducted as to the need for possibly engaging a Security Industry Authority (SIA) registered door supervisor to provide security when undertaking a licensable activity.
- (5) An incident logbook shall be kept and maintained on the premises and made available on request by a police officer or an authorised officer of a responsible authority, which will record the following:
 - (a) All crime reported to the venue.
 - (b) All ejections of patrons.
 - (c) Any complaints received about anti-social behaviour.
- (6) Customers will not be permitted to bring open alcoholic drinks into the premises or to consume alcohol on the premises.
- (7) Late night refreshment will only be delivered to residential or commercial premises and will not be delivered to open spaces, such as public parks.
- (8) Delivery drivers and riders shall ensure that, when attending the premises, they park safely, legally and do not cause an obstruction.
- (9) The premises must subscribe to, operate and thereafter maintain any local radio scheme operating in the area.

c) Public safety

NO CONDITIONS ARE CONSIDERED NECESSARY IN ADDITION TO THE STATUTORY REQUIREMENTS RELATING TO HEALTH & SAFETY AND FIRE SAFETY.

d) The prevention of public nuisance

- (1) The premises will work closely with the police with regard to the prevention of unsociable behaviour.

- (2) Staff will use their best endeavours to ensure that late night refreshment delivery drivers and riders (who may work through third party providers and not be employed by the licence holder) respect the needs of local residents whilst outside the premises and leave the premises and the area quietly.
- (3) Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- (4) Staff will use their best endeavours to ensure that customers waiting outside the premises for late night refreshment do not cause a disturbance to local residents.
- (5) A litter bin will be provided within the premises for customers. This will be emptied on a regular basis.
- (6) Staff will check the area adjacent to the premises regularly every day to ensure any litter from the premises is promptly removed.

e) The protection of children from harm

- (1) The manager and / or licence holder is to be fully aware of the signs of Child Criminal Exploitation (CCE) and understands that the exploitation of a child is abuse and a crime.
- (2) Training / awareness raising to be provided for each member of staff will be provided to cover the awareness of CCE and how to make a report if any concerns are raised for a child / children or a suspected perpetrator. A record of each individual's training will be maintained and be available for inspection upon request at the premises at all times by a responsible authority. Training / awareness raising of CCE to be given upon appointment and refreshed at least every 12 months. Training may be provided by using online courses and other resources available on the Durham Safeguarding Children Partnership website.
- (3) The premises licence holder will display appropriate signs / posters highlighting the signs of CCE and who to contact to raise concerns.

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	02.12.2021
Capacity	David B Wilson, Licensing Consultant and Authorised Agent

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)			
David B Wilson, Licensing Consultant A2Z Licensing (David Wilson) Ltd			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

NOTES

AJDESIGNNCL

CLIENT

MR ASIF SHARIFF

ADDRESS

No11 NORTH ROAD
DURHAM
DH1 4HS

JOB TITLE

No11 NORTH ROAD
DURHAM
DH1 4HS
PLANS AS EXISTING

contractor to note
All dimensions to be checked on site
Figured dimensions to be taken in preference
to scaling
Any discrepancies to be reported to the
Architect immediately

SCALE

1 : 100 @A3

DATE

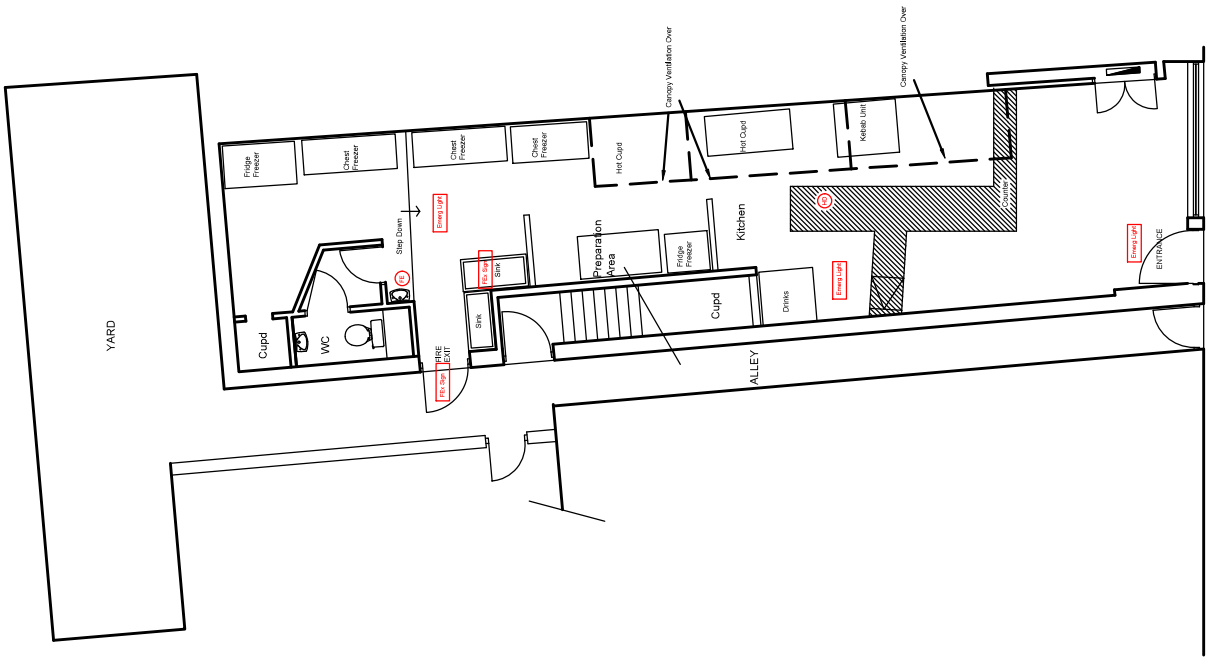
DWG No

969 /01

NO 11 NORTH ROAD

GROUND FLOOR PLAN AS EXISTING

- ① indicates fire exit door location.
- ② indicates emergency exit location.
- ③ indicates lack of access to stairs and to stairs and stairs to be removed.
- ④ indicates fire extinguisher location.



**Appendix 4: Amendments by the applicant following mediation
with Environmental Health**

Notice of Applicant's Amendment to Application for a Premises Licence

11 North Road, Durham DH1 4SH

The applicant, Mohammed Asif Shariff, hereby gives notice to the Licensing Authority of amendments he makes to his application for a premises licence for the provision of late night refreshment.

The amendments are made following constructive dialogue with Richard Wormald, Senior Environmental Health Officer of Community Protection, Durham County Council.

The application originally included the following times:

Open to the public:	Monday to Sunday	11:00 – 04:00
Late night refreshment:	Monday to Sunday	23:00 – 04:00

The amended times, which the applicant now seeks instead of the above, are:

Open to the public:	Monday to Saturday	11:00 – 03:30
	Sunday	11:00 – 01:30
	Sunday (Bank Holiday weekend)	11:00 – 03:30
Late night refreshment:	Monday to Saturday	11:00 – 03:30
	Sunday	11:00 – 01:30
	Sunday (Bank Holiday weekend)	11:00 – 03:30

The application, as originally submitted, includes a proposed condition that last orders shall be taken at least 30 minutes before the terminal hour, so last orders shall be taken no later than 03:00 and 01:00, as the case may be.

The Loft Nightclub at 17 North Road is licensed Monday to Saturday to 02:30, Sunday to 00:30 and to 02:30 on the Sunday of a Bank Holiday weekend.

Other premises licensed exclusively for the provision of late night refreshment are licensed up to Monday to Saturday to 03:00 and 01:00 on Sunday.

The applicant intends to sell, amongst other things, pizzas that will be freshly prepared and cooked to order. It is not believed that other premises are preparing hot food to order. The extra 30 minutes beyond the terminal hours of other late night refreshment premises is to allow for orders, taken in the first 30 minutes after the nightclub closes, to be cooked and served to customers before the premises close to the public at 03:30 or 01:30 respectively.

The application, as originally submitted, includes a range of proposed conditions to ensure the premises do not become a cause for anti-social behaviour or noise nuisance to local residents, which conditions have not required amendment.

David B Wilson, Licensing Consultant and Authorised Agent
23.12.2021

From: Richard Wormald <
Date: Wednesday, 22 December 2021 at 09:55
To: David Wilson <
Cc: Valerie Craig
Subject: RE: New Premise Licence - Krave

Morning David

Thank you for the update. Yes I agree with your proposals and your amended timings.

Regards Richard Wormald

From: David Wilson <
Sent: 21 December 2021 10:20
To: Richard Wormald
Subject: Re: New Premise Licence - Krave

Hi Richard,

It appears my emails went into Mr Shariff's junk mail!

Would you be prepared to agree to the following, which will allow half an hour to take orders after the Loft Nightclub closes and a further half hour to fulfil orders taken in the first half hour, and also picks up the later hours of the Loft Nightclub on the Sunday of a Bank Holiday Weekend?

- Monday – Saturday: 03:30 closing with last orders to be taken by 03:00 (last orders 30 minutes before closing time is already a proposed condition of licence).
- Sunday: 01:30 closing time with last orders taken by 01:00 (last orders 30 minutes before closing time is already a proposed condition of licence).
- Sunday of a Bank Holiday Weekend: 03:30 closing with last orders to be taken by 03:00 (last orders 30 minutes before closing time is already a proposed condition of licence).

Whilst some of my client's hot food offering will be available to just serve, he intends to sell pizzas that will be made and cooked to order, which is why the extra time is requested. I stand to be corrected, but do not believe any of the other late night refreshment establishments are likely to be preparing and cooking food to order. And, of course, once the last orders have been taken, if food does not require preparation and cooking to order, the premises will be cleared of customers ahead of the terminal hour of 03:30 or 01:30, as the case may be.

As for your concerns about noise and anti-social behaviour, you will appreciate that my client's front of house staff are to receive training in conflict management and there is also express provision for engaging an SIA registered door supervisor, if issues are experienced after the premises open, so if your concerns were to materialise, there are already provisions in the proposed conditions to address such matters, which I suspect are provisions that were not offered by any of the currently licensed late night refreshment establishments in the area.

I look forward to hearing from you by email or telephone, if you would prefer a person to person chat, as opposed to email ping-pong.

Kind regards,

David

David B Wilson

Licensing Consultant

Consulting Editor, Paterson's Licensing Acts 2015-22

Contributing Author and Consulting Editorial Board Member, LexisPSL

Appendix 5: Representations

From: Caroline Dickenson <
Sent: 30 December 2021 12:53
To: Valerie Craig ; AHS Licensing
Cc: Licensed Economy Team <
Subject: FW: New Premises Licence Application - 11 North Road, Durham, DH1 4SH

To whom it may concern

Durham Constabulary wish to object to the new premises licence application for 11 North Road, Durham, on the grounds of the prevention of crime and disorder and Public Nuisance.

The applicant has applied for late night refreshment from 23:00hrs – 04:00hrs with opening hours from 11:00hrs – 04:00hrs.

All the other takeaways in Durham are currently only licenced until 02:30hrs to 03:00hrs and as a result the transport systems for the night time economy are geared towards these times. Late opening until 04:00 hrs will hold people in the city later than the system is set up for. This will mean more people having to walk through residential areas to outlying villages and estates in a city which already has a problem with transient noise in the early hours. The only late night drinking establishment on north road is only licenced until 02:00hrs and is closed by 02:30hrs. This later application could serve to hold persons in the city for an additional hour and a half which will have a knock on effect on crime and disorder and ASB. North Road is an area which already has a significant quantity of incidents of that nature. I feel this would be in direct opposition to the area's licencing objectives.

This application also has food deliveries on it, however there are no areas nearby for any vehicle parking. This building is on North Road, the main bus route through the city, which has a taxi rank on one side and no parking on the other, it also has no vehicle access other than busses. Any additional parking in this area will cause a problem to the bus routes through the city and delays to the cities transport infrastructure. The applicant does suggest that loading bays could be used for the delivery drivers and persons coming to collect takeaways, this is not suitable for either of these purposes. The loading bays are for PSV's required to make deliveries to businesses in the area, the delivery or picking up of takeaway does not meet the criteria for the use of these bays.

The framework provided in Durham County Councils statement of licencing (2019-2024) Appendix II, suggests that premises offering late night refreshment should open until 01:00hrs and provides a 02:00hrs finish on a weekend. Given that this type of licenced premises is only required to have a licence between the hours of 23:00hrs and 05:00hrs, to grant this application would effectively permit these premises to be open for 23hrs should they so choose.

By allowing this premise to be open until 4:00am there is likely to be an adverse effect on the quality of lives of the local community and will have impact on the Crime and Disorder and Public Nuisance objectives.

Durham Constabulary cannot support this application.

Thankyou

Caroline

Sgt 484 Caroline Dickenson
Licensed Economy Team Sgt
Safeguarding Neighbourhoods Command

Durham Constabulary

or

Our Values & Vision:

Positive | Fair | Courageous | Inclusive | With Integrity

Protecting Neighbourhoods, Tackling Criminals, Solving Problems

From: Caroline Dickenson <

Sent: 30 December 2021 17:09

To: Yvonne Raine

Subject: RE: Premises Licence Application - 11 North Road, Durham, DH1 4SH

Hi Yvonne

Our objection will still stand despite the amended hours we would not want him to go beyond 3am.

Also I understand the applicant only has planning until 3am so cannot trade beyond these hours.

Thanks

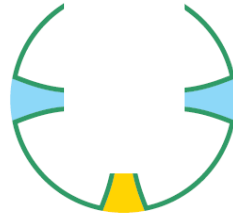
Caroline

Sgt 484 Caroline Dickenson
Licensed Economy Team Sgt
Safeguarding Neighbourhoods Command
Durham Constabulary

Our Values & Vision:

Positive | Fair | Courageous | Inclusive | With Integrity

Protecting Neighbourhoods, Tackling Criminals, Solving Problems



**CITY OF DURHAM
PARISH COUNCIL**

Learning from the past.
Building for the future.

Licensing Team
Durham County Council
Annand House
8RP, John Street North
Meadowfield
Durham
DH7 8RS

City of Durham Parish Council
Office 3 D4.01d
Clayport Library
8 Millennium Place
Durham
DH1 1WA

20th December 2021

Dear Licensing team,

RE: Application for the grant of a premises licence by Mr Mohammed Asif Shariff for 11 North Road Durham DH1 4SH.

With reference to the above licensing application, the City of Durham Parish Council wishes to object to this application under the objective of preventing public nuisance.

This application seeks permission for the provision of late night refreshment (indoors) Monday to Sunday 11.00pm to 4.00am.

The Parish Council Licensing Committee considered this application at its meeting on 13th December 2021. In reaching its decision, the Parish Council Licensing Committee had regard to the Licensing Act 2003, the Section 182 Guidance and the County Council's Statement of Licensing Policy 2019 to 2024. The Parish Council Licensing Committee feels that, should this application be granted in its current form, it will fail to uphold this important licensing objective.

The prevention of public nuisance is an important licensing objective. Two of the greatest irritations to residents are noise and public nuisance associated with licensed premises. If representations are made, noise and nuisance might preclude the grant of a licence or certificate or, if one has already been granted, could be a ground for review, with a view to the imposition of further conditions or, if the licensing objectives cannot be achieved by such conditions, revocation of the licence or certificate.

When dealing with applications and issuing licences, the Council (when their discretion is engaged) is more likely to impose stricter conditions on premises operating in residential areas.

Proper consideration should therefore be given to the proximity of licensed premises not only to residents and businesses, but also in relation to other sensitive premises, to ensure they are in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives.

This application seeks permission for licensable activities which are outside the Council's adopted Statement of Licensing Policy's (2019-2024) framework hours for this type of premises. The framework at Appendix II clearly sets out terminal hours for the sale of alcohol and the provision of late-night refreshment for different types of premises. For premises licensed primarily for late night refreshment e.g. takeaways, the terminal hours are: 01.00 (weekdays) and 02.00 (weekends). This application should be amended to conform with these hours. The Parish Council is extremely concerned that a takeaway being able to continue up until 04.00am every night will cause a severe disturbance to local residents. This is exceptionally important given that the upper floors of this premises are residential properties.

For the reasons set out above, this application should therefore be refused in its current form.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council

From: Adam Shanley <

Sent: 24 December 2021 15:33

To: Yvonne Raine <

Subject: Re: Objection 11 North Road, Durham - Premises Licence application

Dear Yvonne

Thanks so much indeed for your email.

I can confirm that we wish to retain our objection to this application.

Kindest regards,

Adam Shanley

Clerk to City of Durham Parish Council

Appendix 6: Responses from Responsible Authorities

Contact: Michelle Hurton
Direct Tel:
email:
Your ref:
Our ref: CON28/21/03970



Valerie Craig

16th December 2021

Dear Valerie Craig

Town and Country Planning Act 1990 (as amended)

Proposed Application for a New Premises Licence
At 11 North Road Durham DH1 4SH
For Valerie Craig

A consultation has been forwarded on to the Local Planning Authority regarding the Application for a New Premises Licence.

Planning permission was granted to change the of use of the premises from an A1 (Hair Salon) to an A5 (Hot Food Takeaway) reference number DM/15/02463/FPA on 5th October 2015. There were no planning conditions attached relating to opening hours therefore, there are no concerns from a planning point of view.

Yours sincerely

Michelle Hurton
Planning Officer

Regeneration, Economy and Growth

Durham County Council, Planning Development (Central East), Room 4/86-102, County Hall,
Durham, DH1 5UL Main Telephone:



Chief Fire Officer: Stuart Errington

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

Date: 20 December 2021

This matter is being dealt with by: Daniel Thompson

Ext:

Our Ref: 2A40850501

Your Ref:

Direct Dial Telephone:

E-mail:

Dear Sir / Madam

Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005
Mohammed Asif Shariff, 11 North Road, Durham, DH1 4SH

I acknowledge your application dated 2 December 2021 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

Appendix 7: Statement of Licensing Policy

7.1 The Prevention of Crime and Disorder - Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment can, if not properly managed, become a source of public nuisance, generating crime and disorder problems. **The council expects** all licensed premises to be properly managed at all times to prevent this from happening and will focus attention on standards of management practice at licensed premises when carrying out its administrative and enforcement functions.

The council encourages, and will look positively on, the provision by licensees of comprehensive and documented staff training. Documented staff training conducted in respect of:

- Preventing underage sales
- Minimising drunkenness
- Managing and resolving conflict
- Emergency procedures
- Compliance with the licence conditions
- Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol
- Identification and refusal of underage sales
- Use of accredited training courses and recognised industry qualifications (e.g. BII)

The council expects 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, a marquee, in a smoking shelter etc.

The **council expects** all applicants to 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.

The council recommends that procedures to deal with drunken customers, violence and anti-social behaviour, in and outside premises, and the provision of closed-circuit television in certain premises should be considered by applicants, licencees and event organisers when addressing this issue.

The council encourages personal licence holders to actively participate in established "Pubwatch" schemes, where issues relating to crime and disorder can be addressed. **The council encourages** involvement in the "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.

The council recognises and promotes effective and responsible management of all licensed and authorised premises through competent, efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice,

such as 'Challenge 25'. These are amongst the most important control measures for the achievement of all Licensing Objectives.

The council will take a positive view of anyone who invests in appropriate training, and nationally accredited qualifications tailored to the licensing sector. Training records should be kept available for inspection by relevant enforcement agencies as a matter of good practice.

It is important that qualified and competent people are present who can discuss any problems or matters of concern arising from the licensable activities at or near to the premises with officers from DCC Licensing Services and Police.

The council also 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 are 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.

Maximum occupancy: When its discretion is invoked, the council 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 premises or event. Any such decision will be based on the nature and style of the operation.

The council will consider information provided by the applicant and any other body (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.

Security: 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. 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 as well as the hours of trading.

Toughened/Safety Glass: 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 especially to any premises associated with a higher risk for potential crime and disorder. This will be particularly

relevant for high-volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues.

The council and several of its partners have signed a collective new pledge as part of an ongoing campaign to eradicate single use plastics. The agreement commits all signatories to significantly reduce, and work towards ultimately removing, the use of unnecessary single use plastics from their operations. If alternatives to normal glass are used, the use of suitable alternatives, including non-single use plastics, is encouraged.

Drugs/Knives/Weapons: The council 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 or consumed within the premises to prevent tragedies and harm because of drug misuse.

The council will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The council 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.

In addition to the information provided above, **Table 1 in Appendix VI** provides recommendations, suggestions and examples for how to prevent the specific crime/disorder outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

7.3 Prevention of Public Nuisance - Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping near the premises.

The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. The **council will expect** applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance relevant to the individual style, location and characteristics of the premises and events.

If an external structure or area is to be used by customers, whether for consumption of alcohol or for smoking, the **applicant will be expected** to offer measures designed to minimise its impact on residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on hours that areas / structures will be used or appropriate signage requesting customers to consider residents and monitoring of such areas by staff.

The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway, relevant authorisations will often be required from the Highways Authority. Enquiries concerning such consents should be made to the Council's Highway's Section (see Appendix III). In predominantly commercial areas, such as shopping centres, the use of tables and chairs outside may be allowed however, the **council will normally expect** them to be removed before the premises close, and any resulting litter/debris cleared away.

Applicants should consider reducing potential noise nuisance by, for example (this list is not exhaustive):

- Assessment of likely noise levels in the premises
- Assessment of likely noise levels if outdoor drinking is allowed
- The sound insulation the building would provide (e.g. double glazing, double doors / lobbies to entrances, windows used for ventilation)
- The distance and direction to the nearest noise sensitive premises.
- Likely noise sources outside of the premises (e.g. emptying bottle bins, taxis, unruly customers leaving the premises)
- Dispersal of patrons – where necessary the council will expect a dispersal policy for patrons at the end of the evening. The policy will specify such issues as alterations to the style and volume of music played, public address announcements and use of appropriate signage at exits
- Ways to limit noise / disorder from patrons leaving the premises

The extent to which the above matters will need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

Applicants are advised to seek advice from Durham County Council's Environmental Health team and incorporate any recommendations in their operating schedule before submitting their applications.

Takeaways and fast-food outlets - The council expects takeaways and late-night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also display notices advising customers of the location of bins and patrons should be encouraged to use the bins made available.

Important note: The council considers that it will be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises (“takeaway” premises).

Takeaway premises are often open late at night and in the early hours of the morning. They can be associated with disorder as people under the influence of alcohol may congregate outside takeaways after leaving or in some cases having been ejected from late-night licensed premises.

Takeaways operate within the night time economy but without the same framework around them, e.g. pubwatch, use of security staff etc. In addition, alcohol sold from takeaways could readily be consumed in public spaces and may not be subject to the same controls associated with other types of licensed premises.

From a health perspective, obesity levels are rising nationally and locally; without action the health of the population will continue to suffer. Responsible licensees can support the ‘Working toward a healthy weight in County Durham’ goals and the council would see the following steps as a contribution to reducing health harms and health inequalities:

- Menu to display calories per portion information for all food offers.
- Menu to offer at least one clear and stated, 'healthy option' and to be priced competitively.
- Menu to display recommended daily calorie limits for adults (For women the recommended limit is 2,000 calories a day for men it's 2,500).
- Menu to offer smaller / half portions.
- Salt and pepper available upon request rather than always on the table

In addition to the information provided above, **Table 3 in Appendix IV** provides recommendations, suggestions and examples of how to prevent the specific nuisance type outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

Appendix II Framework Hours: recommended terminal hours for the sale of alcohol and the provision of late-night refreshment for different types of premises

Category of Premises	Weekdays*	Weekends*	Bank Holidays*
Premises licensed for the sale or supply of alcohol for consumption on or off the premises e.g. pubs, social clubs and nightclubs	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)
Premises licensed for the sale of alcohol for consumption off the premises only e.g. off licences, supermarkets and garages	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)
Premises with 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 the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed primarily for late night refreshment e.g. takeaways	01.00	02.00	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)

* **NOTE:** For the purposes of this matrix, weekdays mean Monday to Thursday; Weekends include Friday night into Saturday Morning, Saturday night into Sunday morning and Sunday night into Monday morning; and Bank Holidays means Sunday night into Monday morning and Monday night into Tuesday morning.

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 nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other

legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.