

Statutory Licensing Sub-Committee (3)

Wednesday 2nd January 2013

Application for the Review of a Premises Licence



Report of Terry Collins, Corporate Director, Neighbourhood Services

Name and address of premises: Tanhills Post Office / Premier Store, Kimblesworth Road, Tanhills, Chester le Street, Co Durham DH2 3PA

1. Summary

The Sub-Committee is asked to consider and determine an application by the Chief Constable of Durham Constabulary to review the premises licence in respect of Tanhills Post Office / Premier Store which is currently licensed for the sale of alcohol for consumption off the premises.

A copy of the licence is attached at Appendix 1. The days and times for sale of alcohol off the premises are:

- Monday to Saturday 8.00am to 11.00pm
- Sunday 10.00am to 10.30pm

A plan showing the location of the premises is attached at Appendix 2.

2. Details of the Application

The application is for a review of the premises licence (PLA0056) currently held by Mr Pardip Singh Sidhu.

On 12th November 2012, the Licensing Authority received an application from Mike Barton, Deputy Chief Constable of Durham Constabulary, asking the Authority to consider a review of the premises licence.

The application is deemed by the Licensing Authority to be relevant.

This application for a review relates to the following licensing objectives:

- The Protection of Children from Harm

A copy of the application for the review of the premises licence and supporting documents are attached at Appendix 3.

The application for review was advertised in accordance with the regulations.

3. Representations

Within the statutory period no representations were forthcoming from the Responsible Authorities or any other persons.

4. The Parties

The Parties to the hearing will be:

- Durham Constabulary (the applicant)
- Mr Pardip Singh Sidhu (the licence holder)

5. Durham County Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the following relevant parts of the Policy:

- 8.0 The Protection of Children from Harm
- 19.0 Reviews

Relevant information is attached at Appendix 4.

6. Section 182 Guidance

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

- Part 11.

Relevant information is attached at Appendix 5.

7. For Decision

The Sub-Committee is asked to determine the application for the review of the premises licence and to take any of the following steps that it considers necessary for the promotion of the licensing objectives:

- Take no further action
- Modify or add conditions to the licence
- Exclude a licensable activity from the licence
- Remove the Designated Premises Supervisor
- Suspend the licence for a period (not exceeding three months)
- Revoke the licence

Background Papers:

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003
(As amended October 2012)

Contact: Karen Monaghan Tel: 03000 265104
E-mail: karen.monaghan@durham.gov.uk

APPENDIX 1 – PREMISES LICENCE



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
 Granted
 Issued

PLA0056
24 November 2005
24 July 2012

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>TANHILLS POST OFFICE KIMBLESWORTH ROAD TANHILL CHESTER-LE-STREET DH2 3PA</p>	<p>DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
<p>Telephone number: 0191 3710278</p>	

<p>Where the licence is time limited the dates N/A</p>
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<p>Licensable activities authorised by this licence Sale by Retail of Alcohol</p>

<p>The opening hours of the premises (all times in 24hr format)</p>		
Monday	08:00 - 23:00	<p>Non standard/seasonal timings: N/A</p>
Tuesday	08:00 - 23:00	
Wednesday	08:00 - 23:00	
Thursday	08:00 - 23:00	
Friday	08:00 - 23:00	
Saturday	08:00 - 23:00	
Sunday	10:00 - 22:30	

<p>Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales OFF ALCOHOL SALES ONLY</p>
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The times the licence authorises the carrying out of licensable activities (all in 24hr format)

Sale by retail of alcohol		
Off Sales Only		
Monday	08:00 - 23:00	Further details
Tuesday	08:00 - 23:00	
Wednesday	08:00 - 23:00	Non standard/seasonal timings:
Thursday	08:00 - 23:00	
Friday	08:00 - 23:00	
Saturday	08:00 - 23:00	
Sunday	10:00 - 22:30	

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
MR PARDIP SINGH SIDHU 154 HEDGELEY ROAD HEBBURN NE31 1HB	

Registered number of holder, for example company number, charity number (where applicable)	
Company no:	NOT APPLICABLE
Charity no:	NOT APPLICABLE

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

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol	
WK/000018864	

Annex 1 – Mandatory conditions

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol: -

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

Mandatory condition: embedded restrictions

This Premises Licence has been granted upon conversion under schedule 8 of the Licensing Act 2003 of the previous Justices' On Licence, and such rights and restrictions that applied to such Licence are hereby incorporated into this Premises Licence, subject to any express terms to the contrary hereinafter specified, and/or any restriction applying to a Premises Licence and/or any licensable activity

Annex 2 – Conditions consistent with the premises Operating Schedule

None

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

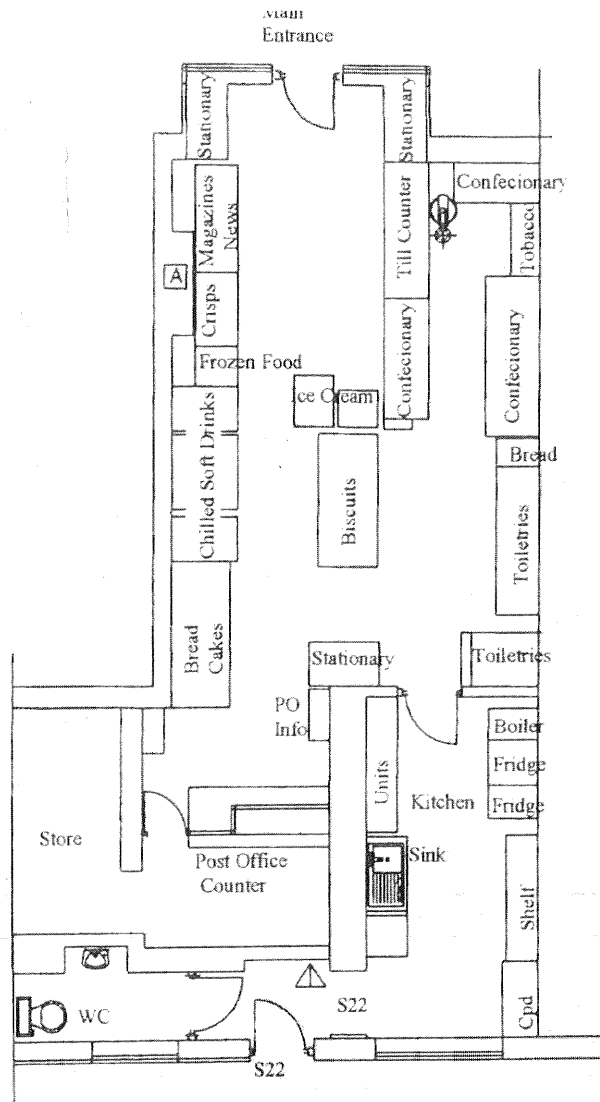
None

Annex 4 – Plans attached











Attached

[Handwritten signature]

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



Existing Ground Floor

-  Break Glass Call Point
-  Emergency Light 3 hour fully maintained BS 5266
-  Exit Sign
-  9 Litre Water Extinguisher
-  Fire Extinguisher (Carbon Dioxide)
-  Fire Extinguisher (Powder)
-  Fire Extinguisher (Foam)
-  Fire Blanket
-  Heat Detector BS 5839
-  Alarm

FIRE SAFETY SIGNS

- S22 S22 FIRE EXIT
- S25 S25 PUSH BAR TO OPEN

Project	Tanhills Post Office, Tanhills Rd, Kimblesworth DH2 3PA	
Scale	1/100	Date July 2005



LICENSING ACT 2003 PREMISES LICENCE SUMMARY

Premises Licence Number
Granted
Issued

PLA0056
24 November 2005
24 July 2012

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
TANHILLS POST OFFICE KIMBLESWORTH ROAD TANHILL CHESTER-LE-STREET, COUNTY DURH DH2 3PA	DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number: 0191 3710278	

Where the licence is time limited the dates
N/A

Licensable activities authorised by this licence
Sale by Retail of Alcohol

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

Monday	08:00 - 23:00	Non standard/seasonal timings: N/A
Tuesday	08:00 - 23:00	
Wednesday	08:00 - 23:00	
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Saturday	08:00 - 23:00	
Sunday	10:00 - 22:30	

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

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

Sale by retail of alcohol
Off Sales Only

Monday	08:00 - 23:00	Further details
Tuesday	08:00 - 23:00	
Wednesday	08:00 - 23:00	Non standard/seasonal timings:
Thursday	08:00 - 23:00	
Friday	08:00 - 23:00	
Saturday	08:00 - 23:00	
Sunday	10:00 - 22:30	

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

MR PARDIP SINGH SIDHU
154 HEDGELEY ROAD
HEBBURN
NE31 1HB

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

Company no: NOT APPLICABLE
Charity no: NOT APPLICABLE

Name of designated premises supervisor where the premises licence authorises the sale by retail of alcohol

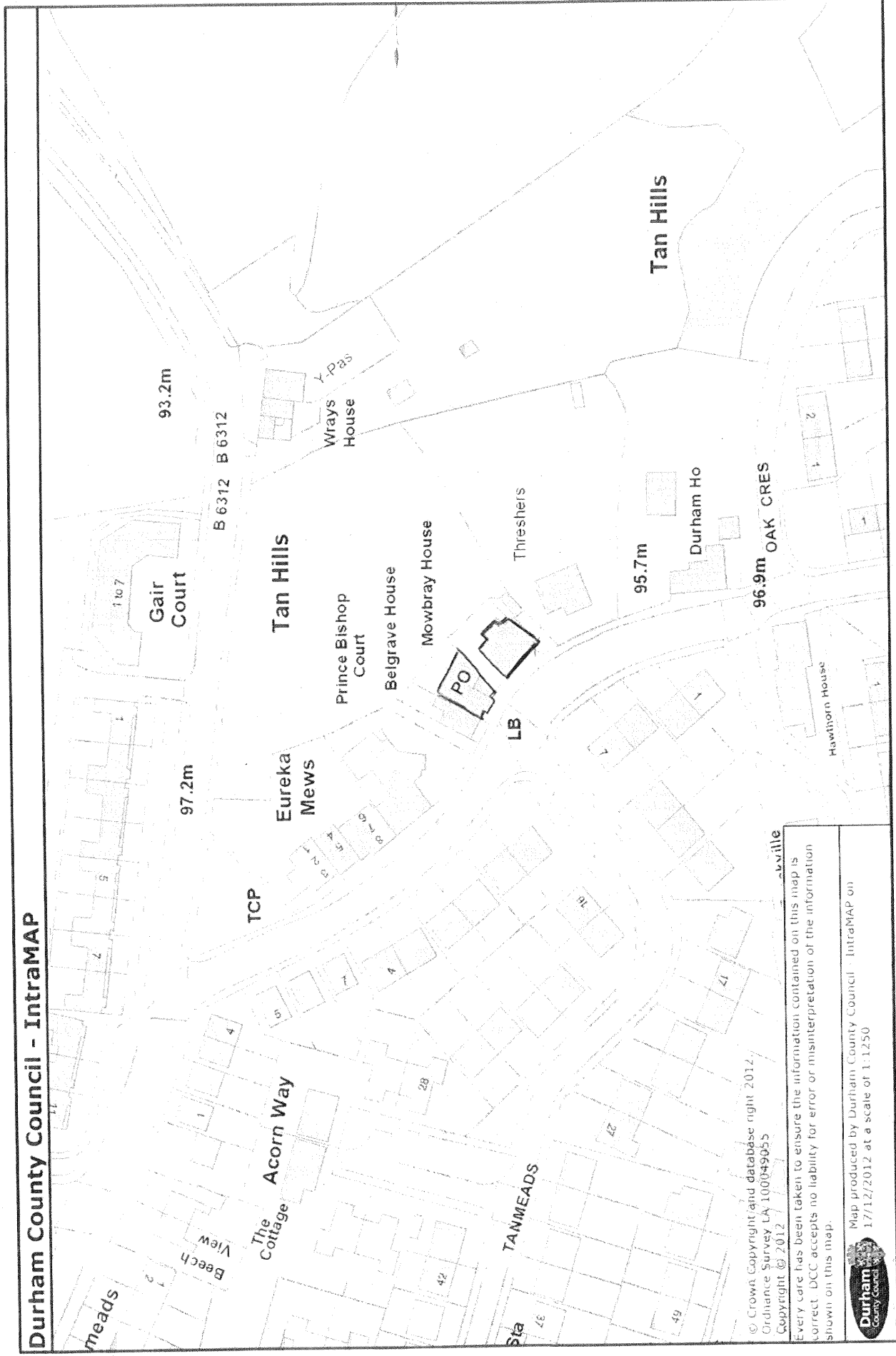
MR PARDIP SINGH SIDHU

State whether access to the premises by children is restricted or prohibited

NOT APPLICABLE

Pardip Singh Sidhu
Signature of Authorised Officer
Head of Environment, Health and Consumer Protection

APPENDIX 2 – LOCATION PLAN



APPENDIX 3 – REVIEW APPLICATION

Application for the review of a premises licence or club premises certificate 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 Mr M Barton- the Deputy Chief Constable of Durham

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Tanhills Post Office / Premier Store Kimblesworth Road Tanhills	
Post town Chester le Street	Post code (if known) DH2 3PA

Name of premises licence holder or club holding club premises certificate (if known) Mr Pardip Singh Sidhu

Number of premises licence or club premises certificate (if known) PLA0056

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A)
below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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

Surname

First names

Please tick yes

I am 18 years old or over

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



Insp 220

Date

9/11/12

Capacity

delegated authority

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

Sgt 1590 Timothy Robson
Alcohol Harm Reduction Unit
Annand House
John Street North
Meadowfield

Post town
Durham

Post Code
DH7 8RS

Telephone number (if any) 0191 3754980

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

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

+	-	+	+	-	-	+
---	---	---	---	---	---	---

If you have made representations before relating to this premises please state what they were and when you made them

Please provide as much information as possible to support the application
(please read guidance note 2)

See attached Grounds

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mr M Barton The Deputy Chief Constable of Durham Durham Constabulary Police Headquarters Aykley Heads Durham DH1 5TT
Telephone number (if any) 03456060365
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)
See attached Grounds

GROUNDS FOR REVIEW

1. The Applicant is seeking a review of the premises licence for Tanhills Post office, Kimblesworth Road, Tanhill, Chester le Street, DH2 3PA as it is an appropriate course of action to address concerns relating to the protection of children from harm objectives in the Licensing Act 2003.
2. The holder of the premises licence and the Designated Premises Supervisor (DPS) is Mr Pardip Singh Sidhu.
3. On the 26th July 2012 it is recorded that the premises then failed a test purchase operation during which a 16 year old volunteer was able to purchase alcohol without challenge.
4. On the 31st October 2012 it is recorded that the premises then failed a test purchase operation during which two 14 year old volunteers were able to purchase alcohol without challenge.
5. Whilst it is for the Licensing Authority to determine the appropriate action, the Applicant would ask the Authority add the attached conditions the premises licence as the most appropriate action to promote the relevant licensing objectives.

Conditions for Tanhills Post Office

The Prevention of crime & disorder

Staff training to be carried out by the DPS to ensure no alcohol is sold to anyone underage and refresher training to be carried out every 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.

No serving of alcohol to any person that appears to be drunk.

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

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

Equipment must be maintained in good working order, be correctly time and date stamped. Recordings must be kept in date order, numbered sequentially and kept for a period of 31 days.

The Premise Licence Holder must ensure that all staff are capable and competent at viewing and downloading CCTV footage in recordable format, either disc or memory stick to the police / local authority within 24hrs of request.

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 daily 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.

In the event of technical failure of the CCTV equipment the Premise Licence Holder / DPS must report the failure to the police and or the local authority on contact number 0191 3752308.

Public Safety

Fire exits and fire equipment clearly marked.

Aware of requirements regarding health and safety.

A Trained first aider will be available.

An incident log will be kept at all times.

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. – i.e. ID4U

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

All members of staff must attend and pass the next available Fair Trading Award 'Do You Pass' course being ran by Trading Standards.

Continuation of Statement / Interview of:

Michelle WILLIAMSON

Page No.: 2

description given by the child and minder we approached the counter and spoke to a male who I now know to be Mr. [REDACTED] J. Tanhill Post Office, Kimblesworth, DH2 3PA.

On entering the rear room of the shop I cautioned [REDACTED] and informed him we were carrying out a test purchase operation in the area and a child volunteer was sent into the store followed by a plain clothed officer and purchased alcohol from him. I asked [REDACTED] if he remembers serving a female within the last 5 minutes with a bottle of Echo Falls white wine and showed him the Bottle. He replied 'YES', I explained the female was under 18 and in fact she was only 16. I asked [REDACTED] if he had asked the child for identification, he replied 'NO', I then asked [REDACTED] if he had asked the child her age, he replied 'NO'. When asked why he didn't ask for identification or age he replied 'THE SHOP WAS BUSY AND HE WAS WATCHING HIS GRANDCHILD'. [REDACTED] was then asked if the store operated a Challenge 21 or 25 scheme, to which he replied 'NO, WE DON'T SELL TO ANYONE UNDER 18'. I then asked [REDACTED] if the store had a refusal register, he didn't reply however the DPS Mohinder Kaur SIDHU replied 'YES', I informed [REDACTED] that I would like see the refusal register and after checking behind the counter produced the register which Trading Standards Officer DOWSE checked.

I issued fixed penalty notice 11/A8013723 7, for the offence of Sale of alcohol anywhere to a person under 18, contrary to S146(1) of Licensing Act 2003 which he accepted. It was explained to [REDACTED] had 2 options, within 21 days he should either pay the notice or request the matter be dealt with at court, both can be done by completing either PART 2 or PART 3 at the bottom of the notice. If he failed to do this with the 21 days the fine would increase by one and a half times and it would be registered with the court against him and he may be charged with the relevant offence. [REDACTED]

PROTECT

Signature: [REDACTED]

Signature witnessed by

RESTRICTED (when complete)

DURHAM CONSTABULARY

Form MG11(T)
(amended Jun 07)

Witness Statement

(CJ Act 1967, s.9 MC Act 1980, ss 5A (3)(a) and 5B, Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of

Michelle WILLIAMSON

Age **Over 18** (if over 18 insert over 18).

Occupation: Specialist 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: - 28th July 2012

Tick if witness evidence is visually recorded (supply details on rear)

I am a serving Police Community Support Officer within Durham Constabulary working from the Alcohol Harm Reduction Unit, Meadowfield.

On Thursday 26th July 2012 I was on duty in full uniform taking part in Operation ALTONA 2012, which was an authorised test purchase operation in the west locality of County Durham. The operation involved sending a child volunteer followed by a plain clothed officer into off licensed premises, the child volunteer would attempt to purchase alcohol with an ABV above 0.5%.

A briefing took place at Chester le Street Police Office in which the child volunteer was instructed not to lie, if asked her age she must tell the truth. The child volunteer was also instructed to state she had no identification if asked. The child volunteer for this operation was 16 years of age.

At 13:50 hrs on Thursday 26th July 2012 the child volunteer entered Premier Store, Kimblesworth, locally known as Tanhills Post Office closely following by a plain clothed officer, PCSO ROBSON. A short time later the child volunteer exited the store after purchasing a bottle of Echo Falls white wine with an ABV of 12.5%.

Acting on information I had received from the child volunteer and the police minder I entered the premises in the company of Trading Standards Officer Donna DOWSE. After identifying the assistant by the

Signature: 

PROTECT
Signature witnessed by:

RESTRICTED (when complete)

PROTECT

RESTRICTED (when complete)

DURHAM CONSTABULARY

Form MG11(T)
(amended Jun 07)

Witness Statement

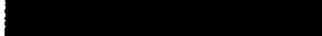
(CJ Act 1967, s.9 ;MC Act 1980, ss 5A (3)(a) and 5B, Criminal Procedure Rules 2005, Rule 27 1)

URN

Statement of **Michelle WILLIAMSON**

Age **Over 18** (if over 18 insert 'over 18'). Occupation: Specialist 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: - 2nd November 2012


Tick if witness evidence is visually recorded (supply details on rear)

I am a serving Police Community Support Officer within Durham Constabulary working from the Alcohol Harm Reduction Unit, Meadowfield.

On Wednesday 31st October 2012 I was on duty in full uniform taking part in Operation BROOKTON 2012, which was an authorised test purchase operation in the Chester le Street and surrounding villages of County Durham. The operation involved sending a child volunteer followed by a plain clothed officer into off licensed premises, the child volunteer would attempt to purchase alcohol with an ABV above 0.5%.

A briefing took place at Chester le Street Police Office in which the child volunteers was instructed not to lie, if asked their ages they must tell the truth. The child volunteers were also instructed to state they had no identification if asked. The child volunteers for this operation were 14 years of age.

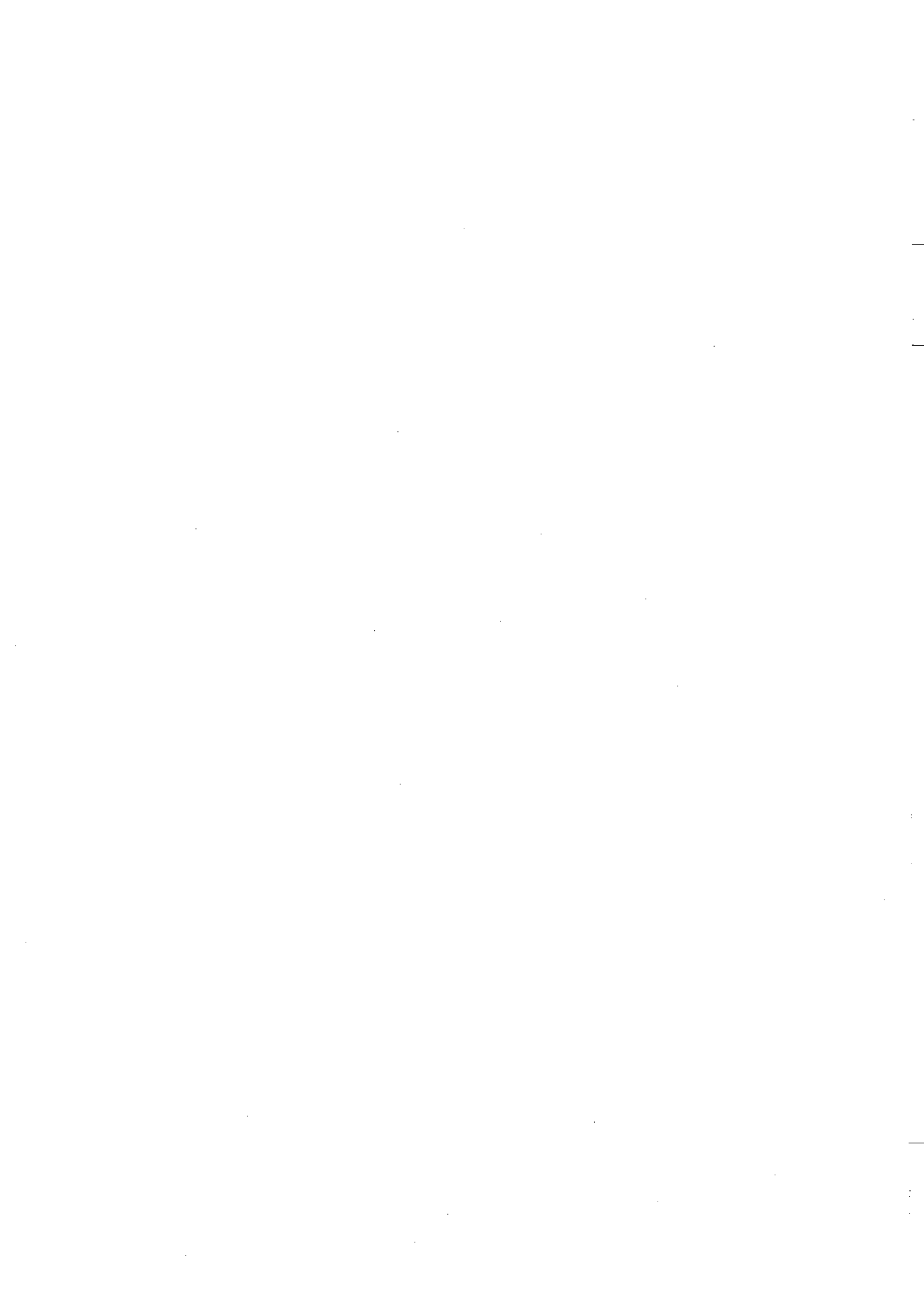
At 13:18 hrs on Wednesday 31st October 2012 the child volunteers entered Tanhills Post Office / Premier Stores, Nettlesworth closely following by a plain clothed officer, PCSO HAIGH. A short time later the child volunteers exited the store after purchasing 4 pint cans of Fosters lager with an ABV of 4%.

Acting on information I had received from the child volunteers and the police minder I entered the premises in the company of PCSO HAIGH. After identifying the assistant by the description given by the child and minder we approached the counter and spoke to a female who I now know to be 
Tanhills Post Office, Tanhills Road, Kettleworth, DH2 3PA

Signature: 

PROTECT
Signature witnessed by:

RESTRICTED (when complete)



Continuation of Statement / Interview of

Michelle WILLIAMSON

Page No.: 2

On entering the rear room of the shop I cautioned [REDACTED] and informed her we were carrying out a test purchase operation in the area and child volunteers was sent into the store followed by a plain clothed officer and purchased alcohol from her. I asked [REDACTED] if she remembers serving a male and female within the last 10 minutes with 4 pint cans of Fosters lager and showed her the cans. [REDACTED] didn't reply. I showed [REDACTED] a photo of the 2 volunteers and explained they were both 14 years old. I asked [REDACTED] what age she thought the volunteers were to which she replied 'THE MALE LOOKS UNDER 18 BUT THE FEMALE LOOKED 18'. I asked [REDACTED] if she had asked the volunteers for identification, she replied 'NO'. I then asked [REDACTED] if he had asked the child her age, she replied 'NO'. When asked why she didn't ask for identification or age she said she didn't realise. [REDACTED] was then asked if the store operated a Challenge 21 or 25 scheme, to which she didn't reply. I then asked [REDACTED] if the store had a refusal register. [REDACTED] didn't reply. I issued fixed penalty notice 11/A8015072 1, for the offence of Sale of alcohol anywhere to a person under 18, contrary to S146(1) of Licensing Act 2003 which she signed and accepted. It was explained to [REDACTED] that she had 2 options, within 21 days she should either pay the notice or request the matter be dealt with at court. both can be done by completing either PART 2 or PART 3 at the bottom of the notice. If she failed to do this with the 21 days the fine would increase by one and a half times and it would be registered with the court against her and she may be charged with the relevant offence. [REDACTED]

PROTECT

Signature: [REDACTED]

Signature witnessed by:



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

PLA0056
24 November 2005
24 July 2012

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
TANHILLS POST OFFICE KIMBLESWORTH ROAD TANHILL CHESTER-LE-STREET DH2 3PA	DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number: 0191 3710278	

Where the licence is time limited the dates
N/A

Licensable activities authorised by this licence
Sale by Retail of Alcohol

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


Monday	08:00 - 23:00	Non standard/seasonal timings: N/A
Tuesday	08:00 - 23:00	
Wednesday	08:00 - 23:00	
Thursday	08:00 - 23:00	
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Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales
OFF ALCOHOL SALES ONLY


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

Sale by retail of alcohol		
Off Sales Only		
Monday	08:00 - 23:00	Further details
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Saturday	08:00 - 23:00	
Sunday	10:00 - 22:30	

Part 2

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

Registered number of holder, for example company number, charity number (where applicable)	
Company no:	NOT APPLICABLE
Charity no:	NOT APPLICABLE

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

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol
WK/000018864

Annex 1 – Mandatory conditions

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol: -

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

Mandatory condition: embedded restrictions

This Premises Licence has been granted upon conversion under schedule 8 of the Licensing Act 2003 of the previous Justices' On Licence, and such rights and restrictions that applied to such Licence are hereby incorporated into this Premises Licence, subject to any express terms to the contrary hereinafter specified and/or any restriction applying to a Premises Licence and/or any licensable activity.

Annex 2 – Conditions consistent with the premises Operating Schedule

None

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

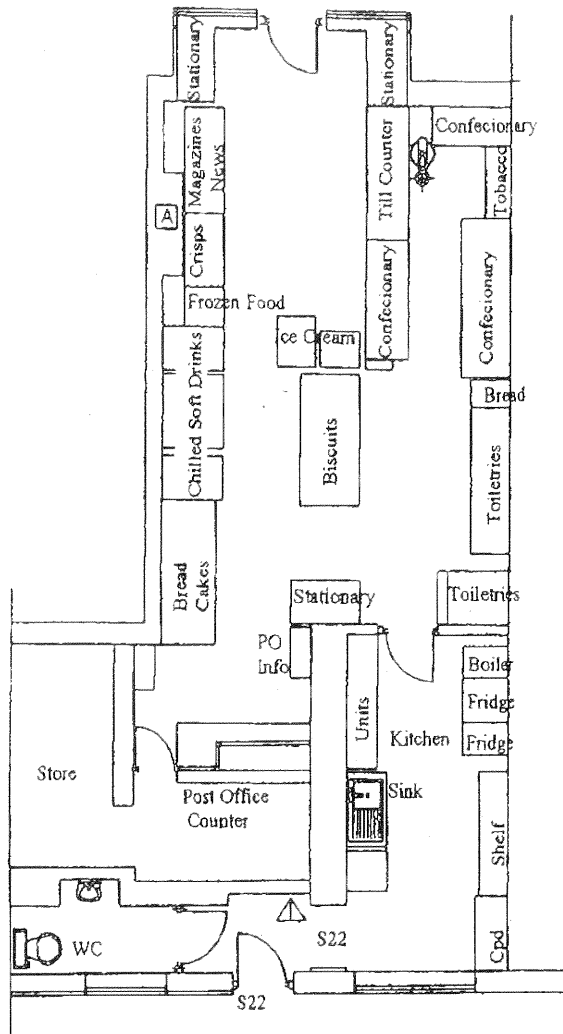
None

Annex 4 – Plans attached











Attached



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



Existing Ground Floor

-  Break Glass Call Point
-  Emergency Light 3 hour fully maintained BS 5266
-  Exit Sign
-  9 Litre Water Extinguisher
-  Fire Extinguisher (Carbon Dioxide)
-  Fire Extinguisher (Powder)
-  Fire Extinguisher (Foam)
-  Fire Blanket
-  Heat Detector BS 5839
-  Alarm

FIRE SAFETY SIGNS

- S22 FIRE EXIT
- S25 S25 PUSH BAR TO OPEN

Project *Tanhills Post Office, Tanhills Rd, Kimblesworth DH2 3PA*

Scale *1/100*

Date *July 2005*

PROT

11/A 0110072 1

STRICT

PART 4 CTO COPY

PN No.

11/A 0110072 1

TITLE

SURNAME

FORENAMES

DATE OF BIRTH (ddmm/yyyy)

ADDRESS

KIMBLESWORTH

POST CODE

OFFENCE TIME

OFFENCE DATE

HRS.

AT (LOCATION)

OFFENCE CODE

DATE OF ISSUE

OFFENCE

CONTRARY TO (Act containing offence)

PLACE OF ISSUE:

Street

Custody

Custody Ref. No.

I acknowledge receipt of this Penalty Notice

Signature

ISSUED BY:

Surname

Signature

Collar No.

Rank

Station

MUST BE COMPLETED

ADDITIONAL DETAILS OF RECIPIENT

Gender: M F

Self-defined ethnicity

Officer-defined ethnicity

A1

Occupation

Shop keeper

3rd Party Witness Statement: Particulars Obtained?

Y

N

Notebook No.

Local Authority Code

PRO-

PROTECT

PENALTY NOTICE
PENALTY AMOUNT £80

STRICT

PART 4 CTO COPY

PN No.

11/A 0110072 1

TITLE

SURNAME

FORENAMES

DATE OF BIRTH (ddmm/yyyy)

ADDRESS

POST OFFICE TANNHILL

US ROAD WITTON

POST CODE

OFFENCE TIME

OFFENCE DATE

HRS.

AT (LOCATION)

OFFENCE CODE

DATE OF ISSUE

OFFENCE

CONTRARY TO (Act containing offence)

PLACE OF ISSUE:

Street

Custody

Custody Ref. No.

I acknowledge receipt of this Penalty Notice

Signature

ISSUED BY:

Surname

Signature

Collar No.

Rank

Station

MUST BE COMPLETED

ADDITIONAL DETAILS OF RECIPIENT

Gender: M F

Self-defined ethnicity

A1

Officer-defined ethnicity

Occupation

SALES ASSISTANT

3rd Party Witness Statement: Particulars Obtained?

Y

N

Notebook No.

Local Authority Code

APPENDIX 4 – STATEMENT OF LICENSING POLICY 8.0 & 19.0

Durham County Council Statement of Licensing Policy

8.0 Protection of Children from Harm

8.1 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.

8.2 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.

8.3 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.

8.4 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

Events which are aimed at children under the age of 18 years on licensed premises will not be looked on favourably by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

8.5 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.

8.6 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.

Access to Cinemas

8.7 In the case of premises which are used for film exhibitions, 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.

8.8 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.

8.9 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.

Children and Public Entertainment

8.10 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.

8.11 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 Criminal Records Bureau.

8.12 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.

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

19 Reviews

19.1 The Licensing Act provides a mechanism for reviewing a Premises Licences and Club Premises Certificates where problems associated with a premises undermine the Licensing Objectives following grant or variation.

19.2 At any stage during the life of a Premises Licence or a Club Premises Certificate, an application for a review can be made to the Licensing Authority by any Responsible Authority, Elected Member or Interested Party. However, where an application for a review is considered to be frivolous vexatious or repetitious or where an application for a review is considered not relevant to the Licensing Objectives the Licensing Authority will reject it

19.3 The proceedings set out in the Act for reviewing Premises Licences and Club Premises Certificates represent a key protection for the community. Unless the application is withdrawn, deemed to be frivolous, vexatious or repetitious or does not relate to the Licensing Objectives, the Licensing Authority will hold a Hearing and take any necessary steps to promote the Licensing Objectives, such as modification of conditions, exclusion of licensable activities, removal of the designated premises supervisor, suspension of the Licence for up to 3 months or the revocation of the Licence.

19.4 The Licensing Authority will not expect a Premises Licence to be reviewed more than once within any 12 month period on similar grounds, except in exceptional circumstances or where it arises following a Closure Order.

APPENDIX 5 – SECTION 182 GUIDANCE PART 11

Section 182 Guidance

11.0 THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in

Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

REPETITIOUS GROUNDS OF REVIEW

11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.

11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively

promoted and that warnings should be issued in writing to the licence holder.

- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the

promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

REVIEWS ARISING IN CONNECTION WITH CRIME

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;

- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

REVIEW OF A PREMISES LICENCE FOLLOWING PERSISTENT SALES OF ALCOHOL TO CHILDREN

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.