

**LICENSING SUB-COMMITTEE**  
**14th July, 2009**

**PRESENT** – Councillors Lee, J.Lyonette and Nutt.

(3)

**LS4. ELECTION OF CHAIR – RESOLVED** – That Councillor Nutt be appointed Chair for this meeting only.

**LS5. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**LS6. APPLICATION FOR VARIATION OF PREMISES LICENCE** – The Director of Corporate Services submitted a report (previously circulated) to consider an application from Durham Constabulary to review a Premises Licence on the grounds of crime and disorder.

The representations were in respect of Best Kebab 2 and the licensing objective relating to the prevention of crime and disorder. The Police expressed concern at the number of incidents (49) that have occurred inside and outside of the premises in respect of public order issues and also cited 2 occasions when the terminal hour was exceeded. The Police also advised that discussions have been held with the Manager to reduce the problems but that this had been only partly successful, leaving them with concerns about the management of the Premises.

Mr Furness, Solicitor, Mr Mohammed, Premise Licence Holder and Mr Marouf General Manager addressed the meeting and responded to Members' questions and to the points for clarification.

Members' attention was drawn to a petition which had been received in support of Best Kebab 2 and they were asked to consider it as part of the decision making.

The Sub-Committee considered the views of the applicant for review in accordance with Guidance issued Under Section 182 of the Licensing Act 2003 (Hearings) Regulations 2005 and in accordance with the "Licensing Sub-Committees – Full Hearing Procedure for Applications for Reviews of Premises Licences/Club Premises Certificates Where Relevant Representations Have Been Received".

In making their decision Members considered the petition and did not give it much weight as they felt that it did not give the signatories the information about the nature of the review, some entries had the same handwriting and the addresses of the signatories were not included. Members took into account the high numbers of incidents which they felt were disproportionate to similar establishments in the town centre and that this was partially related to poor management. The conditions imposed are proportionate to preventing the crime and disorder licensing objective and additionally public safety.

**RESOLVED** – That the following conditions on the existing licence be modified, as follows:-

- (a) a reduction of the opening hours by 1 hour to 3am
- (b) the removal of the additional 30 minutes opening time
- (c) staff training to be provided regarding the use of CCTV at the premise and such training to be documented and be made available to the Police and Council Licensing Officers upon request.