

**LICENSING SUB-COMMITTEE**  
**14th June, 2010**

**PRESENT** – Councillors B. Jones, Newall and Thistlethwaite.

(3)

**LS6. ELECTION OF CHAIR – RESOLVED** – That Councillor Newall be elected Chair for this meeting.

**LS7. DECLARATIONS OF INTEREST** – There were no declarations of interest declared at this meeting.

**LS8. APPLICATION FOR VARIATION OF PREMISES LICENCE** – The Director of Corporate Services submitted a report (previously circulated) to consider an application to vary a Premises Licence following a relevant representation from Durham Constabulary on the grounds of Crime and Disorder and Councillor I. Hartley, Ward Councillor for the Ward in which the premises are located on the grounds of prevention of public nuisance and crime and disorder. The representations were in respect of Best Kebab 2, 69 Skinnergate and the application to vary the Premises Licence to enable late night refreshment to be provided until 4.00 am Fridays to Mondays inclusive (with the remainder of the week retaining the current terminal hour 3.00 a.m.).

Mr. Mohammad, the Premises Licence Holder and proprietor, accompanied by his solicitor, Mr. Peter Furness, addressed the meeting and responded to Members' questions and the points for clarification. Sgt. Tim Kelly, Durham Constabulary and Councillor Hartley addressed the Members with regard to their representations and the points for clarification.

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 representation made by the Responsible Authority and the Interested Party and Mr. Furness, legal representative for the Applicant and felt that the further conditions they imposed upon the licence would address the issues of littering in the vicinity of the premises.

In making their decision Members also considered a petition that had been received but did not give it much weight because it did not address the issues raised by the representors, all entries contained only the first line of an address which could not be established easily if they were from the Darlington area, and some entries appeared to have the same handwriting and the addresses of some of the signatories were not residential addresses but of public houses.

**RESOLVED** – (a) That the application to vary the Premises Licence be granted in part only, and that the terminal hour be extended from 3.00 a.m. to 4.00 a.m. on the evenings of Friday and Saturday only, with a terminal hour of 3.00 a.m. for the remainder of the week.

(b) That two additional conditions be applied to the licence to address the issue of littering in the vicinity of the premises and the licence is now subject to the following conditions :-

- (i) the licensable activity of late night refreshment may be offered between the hours of 11.00 p.m. and 3.00 a.m. only on Sunday to Thursday inclusive;
- (ii) the licensable activity of late night refreshment may be offered between the hours of 11.00 p.m. and 4.00 a.m. only on Friday and Saturday inclusive;
- (iii) the premises opening hours shall be limited to 4.00 p.m. to 3.00 a.m. Sunday to Thursday inclusive and 4.00 p.m. to 4.00 a.m. on Friday and Saturday inclusive.
- (iv) the current internal CCTV system shall be in operation at all times when the premises are open to the public;
- (v) the Police shall be contacted by the licence holder or his representative in the event of any disorder;
- (vi) the Premises Licence Holder shall provide training for all staff in the use of the CCTV system, this training shall be documented and made available on request to the Police or authorised officer of the Council;
- (vii) clear and legible signage shall be prominently displayed inside the premises requesting customers to dispose of litter in the bins provided; and
- (viii) prior to the premises closing a member of staff shall undertake a daily check of the curtilage of the premises and remove any debris or litter.

**REASONS** – Members did not approve all of the application for the following reasons :-

- (a) there has been established disturbance and disorder as set out by the Police and Councillor Hartley and Members believed that rejecting this part of the application would minimise any further disorder and disturbance to local residents during the working week; and
- (b) the new management in the premises was in its infancy and insufficient time has elapsed to grant the application in full.