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**APPLICATION TO VARY A PREMISES LICENCE**

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**Purpose of Report**

1. To invite Members to consider an application to vary a premises licence in the light of representations from a Responsible Authority namely Durham Constabulary on the grounds of the Prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm and a representation from an "Other Person" namely Westbrook Residents Association on the grounds of the prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm

**Background Information**

2. Attached to this report are details of the application for a premises licence (**Appendix 1**) and the Notice of Hearing pertaining to this application (**Appendix 2**).
3. Members are requested to determine the application and give reasons for their decision.

**Legal Implications**

4. The Borough Solicitor, in accordance with the Council's approved procedures, has considered this report. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

**Human Rights Act**

5. When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Committee must consider whether the decision affects an individual, group or company's Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition consideration must be given to whether the interference is proportionate

**Section 17 of the Crime and Disorder Act 1998**

- 6 One of the four Licensing Objectives of The Licensing Act 2003 is the Prevention of Crime and Disorder. The representations against this application does relate to this objective.

## **Recommendation**

- 7 Members are requested to determine the application in accordance with Statutory Instrument 2005 No 44, The Licensing Act 2003 (Hearings) Regulations 2005.

**Ian Williams**  
**Director of Economic Growth**

## **Background Papers**

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| i)    | Application to vary a Premises Licence   | TRO Wine & Food<br>34 High Northgate,<br>Darlington DL1 1UW |
| ii)   | Representation by Responsible Authority  | Durham Constabulary   |
| (iii) | Representation by Other Person   | Westbrook Residents Association                             |
| iv)   | The Licensing Act 2003   |   |
| v)    | Darlington Borough Council's Licensing Policy (07 January 2011)                                |   |
| vi)   | Home Office Guidance issued under Section 182 of the Licensing Act 2003 (revised October 2014) |   |
| vii)  | The Licensing Act 2003 (Hearings) Regulations 2005   |   |

## **Appendices**

1. Report – Application for Premises Licence – TRO Wine & Food
2. Notice of Hearing

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