

**FOR CHAIR AND MEMBERS  
OF THE LICENSING SUB COMMITTEE  
19 JANUARY 2015**

**APPENDIX 1**

**APPLICATION FOR PREMISES LICENCE**

**Licence Holder                      RONTEC WATFORD LTD                      Ref No: DL14/01854/PREMIS**

**Premises:    GRANGE ROAD SERVICE STATION,  
68-70 GRANGE ROAD, DARLINGTON, DL1 5NP**

**Requested Licensable Activities:              SALE OF ALCOHOL  
FOR CONSUMPTION OFF THE PREMISES**

<b>Requested Hours:</b>	<b>07.00 to 22.00</b>	<b>MONDAY TO SATURDAY</b>
	<b>08.00 to 22.00</b>	<b>SUNDAY</b>

<b>Premises opening hours</b>	<b>07.00 to 22.00</b>	<b>MONDAY TO SATURDAY</b>
	<b>08.00 to 22.00</b>	<b>SUNDAY</b>

**Notification to Responsible Authorities/Interested Parties:**

The Applicant Company has served notice of this application to the following:

The Chief Constable:	Director of Public Health
Chief Fire Officer	Trading Standards
Planning Manager	Local Safeguarding Children Board
The Licensing Authority	
Environmental Health (Public Safety and Public Nuisance)	

**Advertisement in The Advertiser:                      28 November 2014**

**Information on Council's web site:                      20 November 2014**

**LEGISLATION:**

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four Licensing Objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State. The Licensing Authority may depart from its own Policy or the Secretary of State's Guidance if it has good cause but must be able to give full reasons for such a departure.

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### **DESCRIPTION OF PREMISES**

The Applicant has described the premises as a “Petrol forecourt store which is to sell a broad range of groceries, household products and alcohol. Situated at 68-70 Grange Road, Darlington, DL1 5NP”

### **BACKGROUND**

On 01 November 2012, an application was made for a premises licence in respect of Grange Road Service Station (the TOTAL garage) in accordance with Section 17 of the Licensing Act 2003. The application was properly advertised and a copy was sent to all Responsible Authorities.

As a result, representations were received from 2 Responsible Authorities (Environmental Health and Planning) and 28 Other Persons, namely local residents and ward councillors. The representations were in respect of a host of issues including likely effect on the area, issues with noise, breach of planning requirements. A hearing was arranged for 19 December 2012 but prior to this date the Applicant Company’s legal representative withdrew the application in its entirety.

### **THE NEW APPLICATION**

On 19 November 2014, an application was once again properly made for a premises licence in respect of Grange Road Service Station in accordance with Section 17 of the Licensing Act 2003. As a result, representations have been received from 2 Responsible Authorities and 38 Other Persons in respect of a range of issues including the Prevention of Crime and Disorder, the Protection of Children from Harm, the Prevention of Public Nuisance and Public Safety. The representations have been summarised below and are reproduced in full at **Appendix 1A** to this report.

### **WHERE REPRESENTATIONS ARE MADE**

Where a representation concerning the licensing objectives is made by a responsible authority or another person and it is relevant the licensing authority’s discretion will be engaged provided the representation is not frivolous or vexatious.

A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

The Secretary of States revised guidance under Section 182 (October 2014) states

“It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.”

### **THE REPRESENTATIONS – RESPONSIBLE AUTHORITIES**

On 16 December 2014, a representation was received from Durham Constabulary as a responsible authority based on the Prevention of Crime and Disorder and the Protection of Children from Harm. In summary, he states the Grange Road Service Station has been a source of crime and disorder and public nuisance for many years with numerous calls being made to police in the main anti-social behaviour, criminal damage and thefts. The Chief Constable states that there are insufficient staff employed at the garage, which has contributed to thefts particularly during busy periods, which concerns the police as to how one member of staff could effectively implement the suggestions made on the application. (Appendix 1A (i))

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On 17 December 2014, a representation was received from the Director of Public Health as a responsible authority based on the protection of children from harm. In summary she states that based on police incident data, there is an alcohol related risk to the health and safety of young people in this location. An application granted at this stage raises concerns that alcohol will be more available and accessible to these young people. (Appendix 1A (ii))

### **THE REPRESENTATIONS – OTHER PERSONS**

On 1 December 2014, a representation was received from Mr John McKellar based on the prevention of crime and disorder. In summary, Mr McKellar is concerned about public safety and security at the premises in light of a recent armed robbery at the premises. (Appendix 1A (iii))

On 4 December 2014, a representation was received from Dr and Mrs Fox based on the prevention of crime and disorder and public safety. In summary, the representors are concerned that the potential for further crime and disorder would be exacerbated by a licence to sell alcohol. (Appendix 1A (iv))

On 5 December 2014, a representation was received from Mr and Mrs Crisp based on the grounds of protection of children from harm. The representors are concerned that a licence to sell alcohol will result in children obtaining alcohol to consume in the nearby parks etc. (Appendix 1A (v))

On the 5 December 2014, a representation was received from Mr Paul Claxton who is concerned that there will be an increase in antisocial behaviour. Mr Claxton is also concerned that there will be an increase in crime and disorder given the armed robbery that occurred recently. (Appendix 1A (vi))

On 6 December 2014, a representation was received from Mrs Elaine Allcock based on the grounds of the protection of children from harm and the prevention of crime and disorder. In summary, she is concerned that another premise selling alcohol in the area will lead to an increase in young persons gathering in large groups and consuming alcohol. (Appendix 1A (vii))

On 6 December 2014, a representation was received from Mr and Mrs Jones, based upon the prevention of crime and disorder, the protection of children from harm and the prevention of public nuisance. Mr and Mrs Jones are concerned the security in place at the premises was not sufficient to deter a recent armed robbery, and that an increase in cash takings and alcohol would make the premises a target for further crime and disorder. They are also concerned that this lack of security could provide a more immediate source of alcohol for underage drinkers. (Appendix 1A (viii))

On 7 December 2014, a representation was received from Mr Barry Lumsdon based on the prevention of crime and disorder in light of the recent armed robbery at the premises. He is concerned that alcohol at the premises will make it an easy target (Appendix 1A (ix))

On the 7 December 2014, a representation was received from Ejaye Moran based upon the grounds of the prevention of public nuisance, public safety and the protection of children from harm. In summary, he is concerned that a licence to sell alcohol at the premises will result in more issues with alcohol fuelled youths causing a nuisance near to his home. Broken glass in the neighbourhood, and the level of traffic would increase. In addition, he is concerned that

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crime and disorder would also increase if alcohol were available at the premises in light of the recent armed robbery. (Appendix 1A (x))

On 8 December 2014, a representation was received from Mr Howard Stuttard based on the grounds of crime and disorder, and public safety. Mr Stuttard is concerned that the recent robbery at the premises highlights the fact that there insufficient staffing levels and a lack of CCTV. He is also concerned about the nearby local parks being used by underage drinkers (Appendix 1A (xi))

On 9 December 2014, a representation was received from Mr Paul Davison based upon Crime and Disorder, Public Safety and the Protection of Children from Harm. In summary, Mr Davison is concerned about the vulnerability of staff working at the premises late at night, and inadequate CCTV. In addition, he is also concerned that the premises will attract underage drinkers to the local parks. (Appendix 1A (xii))

On 10 December 2014, a representation was received form Mr and Mrs Les based on all four licensing objectives. In summary, they are concerned that as the garage sells very little in the way of household goods and groceries, and only offers confectionary, snacks and soft drinks for motorists, the sale of alcohol would become the primary business for the premises. (Appendix 1A (xiii))

On 10 December 2014, a representation was received from Ms Susan Lay on the grounds of the Prevention of Crime and Disorder and Public Nuisance. Ms Ley points out that nothing has changed since the last application, and may have got worse with the recent armed robbery at the premises. She is also concerned that there will be an increase in the incidences of late night noise and disturbance. (Appendix 1A (xiv))

On 10 December 2014, a representation was received from Mr and Mrs Alderson based on all four of the licensing objectives. In summary, they are concerned that there has been an armed robbery at the premises, damage to vehicles and property in the area and broken glass and litter in the area, and the close proximity to local schools. (Appendix 1A (xv))

On 10 December 2014, a representation was received from Mr Mark Adams based on the Protection of Children from Harm. In summary, Mr Adams believes that an increase in the availability of alcohol would cause a rise in children drinking excessively in the local parks. He believes that this would represent a danger to their health and would also put them at significant risk of harm whilst intoxicated. (Appendix 1A (xvi))

On 10 December 2014, a representation was received from Mr Peter Fawlk based on all four of the licensing objectives. In summary, Mr Fawlk is concerned that the sale of alcohol would encourage theft and drink driving. He makes reference to the armed robbery at the premises and is alarmed by the apparent lack of CCTV, broken glass, litter, and youths congregating in back lanes, causing disturbance. He also makes reference to the proximity of local schools. (Appendix 1A (xvii))

On the 10 December 2014, a representation was received from Ms Yvonne Dixon based on the Prevention of Crime and Disorder and Public Nuisance. In summary, she is concerned that there are teenagers congregating in the area causing a disturbance and has felt so intimidated that she no longer works on a Friday night. She also states that on occasions she comes into work on a Saturday and finds empty beer cans in the entrance of her workplace. She fears that a licence to sell alcohol at the premises will make the problem worse. (Appendix 1A (xviii))

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On 10 December 2014, a representation was received from Lesley Barnes on the grounds of the Prevention of Crime and Disorder, and in summary is concerned that due to the recent events at the petrol station and the nuisance of children drinking around the parks, a licence to sell alcohol would make it easier for teenagers to obtain alcohol. (Appendix 1A (xix))

On 11 December 2014, a representation was received from Ms Alice Barrigan based on the grounds of the Prevention of Crime and Disorder, Public Nuisance, and the Protection of Children from Harm. In summary, she is concerned that permission to sell alcohol would make the premises more attractive to thieves in light of the armed robbery at the premises. She is also concerned that as the premises are sited near the edge of town, there is not sufficient CCTV and police coverage. (Appendix 1A (xx))

On the 11 December 2014, a representation was received from Mr Michael Clemo based on all four of the licensing objectives. Mr Clemo is concerned that there had already been an armed robbery at the premises and there is insufficient staff to prevent crime and disorder resulting from alcohol consumption in the area. He also feels that public safety is compromised with broken glass and inadequate CCTV coverage. (Appendix 1A (xxi))

On the 12 December 2014, a representation was received from Mr and Mrs Marley based on the Prevention of Crime and Disorder, the Protection of Children from Harm and Public Nuisance in the form of antisocial behaviour. In summary, they are concerned that there has been an armed robbery at the premises and feel that the presence of alcohol will make matter worse. They are also concerned about the prevalence of large groups of people drinking in the parks, which they feel discourages families from using the parks and could intimidate children. (Appendix 1A (xxii))

On the 12 December 2014, a representation was received from Mr Russell Morgan based on the grounds of the Prevention of Crime and Disorder and Public Nuisance. In summary, Mr Morgan states that his house backs onto the garage and he has experienced numerous issues with drunken youths fighting, and breaking into his garden. He also complains about the amount of litter left on a morning (Appendix 1A (xxiii))

On the 14 December 2014, a representation was received from Ms Elspeth Robinson based on the grounds of the Prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm. In summary, Ms Robinson is concerned that there will be an increase in unsocial behaviour, crime, disorder, and burglaries. (Appendix 1A (xxiv))

On 14 December 2014, a representation was received from Mr Simon Todd based on Public Nuisance, the Prevention of Crime and Disorder and the Protection of Children from Harm. In summary, Mr Todd is satisfied that the premises are primarily used as petrol station. He is concerned that there will be an increase in antisocial behaviour and will lead to an increase in criminal activity around the area. (Appendix 1A (xxv))

On 14 December 2014, a representation was received from Ms T Todd based upon all four of the licensing objectives. In relation to crime and disorder, Ms Todd has stated that the premises have been burgled five times in the past three years and has recently had an armed robbery. She is concerned that as there is only one member of staff working at a time, there is not sufficient cover to run the shop effectively. She is also concerned that if residents of the 700 club buy alcohol they will not be allowed to take it back to the house and would have to consume it outside. (Appendix 1A (xxvi))

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On 15 December 2014, a representation was received from Mr Gary Darby based upon Public Nuisance and the Prevention of Crime and Disorder. In summary, Mr Darby is concerned that there is antisocial behaviour around the area and that this will increase if a licence is granted. He states that he is regularly disturbed by noise from youths congregating to consume alcohol. (Appendix 1A (xxvii))

On 14 December 2014, a representation was received from Mr and Mrs Kemp based on the Prevention of Crime and Disorder and Public Nuisance. In summary, they are concerned about underage drinking in the immediate area and the armed robbery at the premises. (Appendix 1A (xxviii))

On 15 December 2014, a representation was received from A F Murray on the grounds of the Prevention of Crime and Disorder. The representor is also concerned that the sale of fuel is the main source of income for these premises, and has made reference to the recent armed robbery. (Appendix 1A (xxix))

On 15 December 2014, a representation was received from A A King based upon Public Nuisance and the Protection of Children from Harm. The representor is concerned the fact that young residents living at the 700 club would be able to purchase alcohol, drinking in the parks and the risk of alcohol being taken into Polam School by pupils. (Appendix 1A (xxx))

On 15 December 2014, a representation was received from PA McCann based upon the Prevention of Crime and Disorder and Public Nuisance. The representor alludes to problems from gangs of youths wandering the streets, and thefts from parked vehicles. (Appendix 1A (xxxii))

On 15 December 2014, a representation was received from Mr and Mrs MacKenie based on the Prevention of Crime and Disorder, and the Protection of Children from Harm. In summary, they are concerned about the armed robbery and the apparent lack of staff at the premises. Also of a concern is that over 18s are buying alcohol for under 18s. (Appendix 1A (xxxiii))

On 15 December 2014, a representation was received from Councillor Heather Scott based on all 4 Licensing Objectives (Prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm). In summary, she is concerned with the current incidences of crime in the area and the recent robbery at the premises, which causes anxiety amongst local residents. (Appendix 1A (xxxiiii))

On 16 December 2014, a representation was received from Mr Ian MacKinnon based on the Prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm. In summary, Mr MacKinnon is concerned about the recent armed robbery at the premises and is fearful that the sale of alcohol will exacerbate matters. He also states that there has been an increase in antisocial behaviour and thefts from vehicles and garden sheds. As the premises are located near to 3 schools and the 700 club, he feels that the provision of alcohol will encourage young persons to drink. (Appendix 1A (xxxv))

On 16 December 2014, a representation was received from Mr Peter Caygill based on the Prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm. In summary, Mr Caygill is concerned about that due to the recent armed robbery at the premises the sale of alcohol is likely to lead to larger amounts of cash on the premises. He also states that the problem with broken bottles and litter will be exacerbated. Mr Caygill also points out that petrol sales currently outstrip other sales from the premises. (Appendix 1A (xxxvi))

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On 16 December 2014, a representation was received from Ms Bonnie and Mr Parkes based on all four of the licensing objectives. In summary they are concerned about the recent armed robbery at the premises and the number of burglaries and theft of vehicles currently, they also complain of litter and broken bottles coupled with discarded hypodermic needles and drug paraphernalia, and youths congregating in the area, late night noise and antisocial behaviour. (Appendix 1A (xxxvi))

On 16 December 2014, a representation was received from Mr D Sharp based on Public Nuisance and the Protection of Children from Harm. In summary, Mr Sharp is concerned that there is already a drinking and anti-social problem in the local area and that if this application were to be granted, the problem would be exacerbated. He is fearful of the potential for vulnerable adults living close to the premises to be able to purchase alcohol making their struggle harder. (Appendix 1A (xxxvii))

On 16 December 2014, a representation was received from Ms Karen Thursby based on all four licensing objectives. In summary, she is concerned that the presence of alcohol at the premises will make the premises a target for a further robbery. She is also concerned that as a result of the robbery, she is concerned that the premises have inadequate measures in place to prevent a further robbery. (Appendix 1A (xxxviii))

On 16 December 2014, a representation was received from Mr David Wilson based on the Prevention of Crime and Disorder, Public Safety and Public Nuisance. In summary, he is concerned that the recent robbery has shown that the operators of the petrol station have little regard for staff, and that the sale of alcohol will lead to an increase in broken glass and litter and an increase in the volume of traffic at peak periods, along with noise and late night disturbance. (Appendix 1A (xxxix))

On 16 December 2014, a representation was received from Ms Mary Jackson based on the Prevention of Crime and Disorder, Public Nuisance, and the Protection of Children from Harm. In summary, she is concerned that there is insufficient staff and CCTV etc at the premises to discourage crime and disorder, she is also concerned about the increase in antisocial behaviour around the area, broken bottles and litter, the fact that there are two schools and a hostel for homeless people in the immediate vicinity (Appendix 1A (xl))

On 17 December 2014, a representation was received from S and B Dixon based on the Protection of Children from Harm. In summary, they are concerned that there are a number of people living close the premises that could be classed as vulnerable, in addition to the nearby schools. (Appendix 1A (xli))

On 17 December 2014, a representation was received from Mr and Mrs Aisbitt based on the Prevention of Crime and Disorder and the Protection of Children from Harm. In summary, they are concerned that due to frequent management changes at the premises, there is a lack of consistency in the running of the premises. The armed robbery is also a cause for concern, as is the apparent disproportionate amount of revenue from the sale of petrol. They are also anxious that there is a hostel for homeless young people close to these premises. (Appendix 1A (xl))

On the 17 December 2014, a representation was received from Ms Julie Robson based on the Prevention of Crime and Disorder and Public Nuisance. In summary, she is concerned that incidents of antisocial behaviour and crime and disorder will be exacerbated if the alcohol was more accessible from these premises. (Appendix 1A (xl))

### THE APPLICANT'S RESPONSE

The representations have been sent to the Applicant Company's legal representative to provide them with an opportunity to respond to the concerns expressed.

### THE OPERATING SCHEDULE

In the section of the application dealing with the operating schedule, i.e. the additional steps that will be taken to promote the four licensing objectives if this application is granted, the Applicant Company has stated the following:

- a) **General:** - There has not been an entry in this section of the application
- b) **Prevention of Crime and Disorder:**
  - 1. "A CCTV system will be installed, or the existing system maintained, such system to be fit for purpose.
  - 2. "The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be capable of being recorded digitally on to CD/DVD or other equivalent medium.
  - 3. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made available , subject to compliance with Data Protection legislation, to the police for inspection on request.
  - 4. The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image, which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
  - 5. The system will display, on any recording, the correct time and date of the recording.
  - 6. A system will be in place to maintain the quality of the recorded image.
  - 7. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity
- c) **Public Safety:**

The Applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed on request to the licensing authority and police.
- d) **Prevention of Public Nuisance:**

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
- e) **Protection of Children from Harm:**

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification, being a passport or photo-card driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.



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All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by a staff member.
- Refresher /reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or responsible officer of the local authority on request.

Members are aware that the operating schedule can be turned into conditions to be placed on any grant of licence. Members are also aware that all conditions should be clear, unambiguous and enforceable.

### THE LICENSING POLICY

Members are referred to the following relevant sections of the Council's Licensing Policy which are reproduced at **Appendix 1B**

Section 6.1 – 6.3	Public Nuisance/Crime & Disorder	Impact of Licensable Activities
Section 8.0 - 8.4.3	Public Nuisance	Location of Premises
Section 8.8	Public Nuisance	Littering
Section 9.3	Public Safety	Control Measures
Section 10-10.1.	Prevention of Crime and Disorder	Effect in Vicinity
Section 12.7	Off Sales	

### THE GUIDANCE

Members are referred to the Secretary of State's Guidance in relation to the prevention of crime and disorder and public safety, and also guidance relating to shops, stores, petrol stations and supermarkets. This is reproduced at **Appendix 1C**. Members are particularly referred to sections 5.21 to 5.23 in respect of the licensing of garages for sale of alcohol

### ADDITIONAL INFORMATION

Section 176 states that a premises licence (i.e. once it is granted) shall not have effect in excluded premises. In respect of this application, the garage would be an excluded premise if the sale of petrol was greater than the sale of alcohol, confectionery, cigarettes etc.

Premises are used as a garage if they are used for one or more of the following:

- the retailing of petrol;
- the retailing of derv;
- the sale of motor vehicles; and
- the maintenance of motor vehicles

This does not prevent the Licensing Authority from issuing a premise licence – if Members are minded to grant this licence then the licence would not have effect if the sale of petroleum was the primary use of the premises.

The Secretary of State's Guidance makes it clear that the Licensing Authority must decide whether or not premises are used primarily as a garage. The courts appear to have favoured "intensity of use" as a way of establishing primary use, for example a garage in a rural area may be used more by patrons purchasing groceries & other sundry items than patrons

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purchasing petrol and therefore an application may be made based on the fact that primary use is not as a petrol station.

The guidance states that if Members do not have sufficient information on primary use they may grant a licence and choose to deal with the issue by way of enforcement. It is however extremely difficult for such enforcement to be carried out in a way that would have any true value, given that officers do not have access to trading figures etc.

Officers have visited the site and can advise that the petrol forecourt has 8 petrol/diesel stations with a total of 32 pumps. The actual store currently has 2 points of sale and currently sells newspapers & magazines, firelighters, coal, soft drinks, sandwiches and snacks, confectionery, cigarettes, tobacco and a small range of essential groceries (tea, coffee, bread, toiletries etc) The premises also has a self-service Costa Coffee machine

Copies of the plans will be made available at the hearing for Members' consideration.

### POINTS FOR CLARIFICATION

Members are referred to the notice of hearing **points for clarification** (See **Appendix 2**). To enable Members to consider primary use the **Applicant Company** has been asked to clarify its position in relation to the following:

- Details of the range of products to be sold in the Petrol Forecourt Station (PFS) particularly, the range of alcohol
- Details of how the PFS will operate – i.e. is there pay at pump provision; is store locked with payment access only from actual forecourt between certain hours.
- Details of the proposed staffing levels, both daytime and evenings.
- Details of the actual number of waste receptacles to be provided

### MEMBERS' OPTIONS

Members may consider the following options:

1. **Grant the application subject to the following conditions, which have been agreed by the Applicant Company and are in addition to the mandatory conditions for sale of alcohol:**
  1. *“A CCTV system will be installed, or the existing system maintained, such system to be fit for purpose.*
  2. *The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be capable of being recorded digitally on to CD/DVD or other equivalent medium.*
  3. *Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made available , subject to compliance with Data Protection legislation, to the police for inspection on request.*
  4. *The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.*
  5. *The system will display, on any recording, the correct time and date of the recording.*
  6. *A system will be in place to maintain the quality of the recorded image*

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7. *The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.*
8. *All cashiers shall be trained to record refusals if sales of alcohol in a refusals register.*

*The book will contain:*

- *Details of the time and date the refusal was made;*
- *The identity of the staff member refusing the sale*
- *Details of the alcohol the person attempted to purchase*

*This book/register will be available for inspection by a police officer or a responsible officer*

9. *The premise licence holder will at all times maintain in adequate levels of staff. Such staff levels will be disclosed, on request to the licensing authority and police*
10. *Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.*
11. *The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of twenty five years (or older if the licence holder so elects) to produce, before being sold alcohol, identification, being a passport or photo-card driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence*
12. *All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:*
  - *Induction training which must be completed and documented prior to the sale of alcohol by the staff member.*
  - *Refresher/reinforcement training at intervals of no more than 6 months*

*Training records will be available for inspection by a police officer or responsible officer of the local authority on request."*

These may be either taken directly from the Applicant Company's operating schedule or to ensure clarity and ease of enforcement, Members should provide specified wording.

3. Place any **additional conditions** on the licence that Members consider are necessary to address any concerns relating to crime and disorder, public nuisance, public safety and protection of children from harm.
4. **Reject** all or part of the application

Members are reminded that any aggrieved party (ie Applicant Company, Responsible Authority or Other Person) may appeal any decision of the Licensing Sub Committee to the Magistrates' Courts.

Contact Officer: Julie Richings  
Ext 6391

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

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**For admin use only:**

**Date of Sub Committee: 19 January 2015**

**Sub Committee Decision:**

**GRANT ALL/PART OF APPLICATION/REJECT ALL/PART OF APPLICATION/ PLACE  
CONDITIONS**

**Reasons:**

**REPRESENTATIONS IN RESPECT OF APPLICATION**

**Appendix 1A (i)**

**Representor:** Durham Constabulary

**Comments:** Based on the Prevention of Crime and Disorder, the Protection of Children from Harm and Public Nuisance.

"The applicant seeks to permit licensable activity to from 07.00hrs – 22:00hrs Mon – Sat and 08:00hrs-22:00 hrs Sun. They currently do not have a licence to sell alcohol.

The location where the Grange Road Service Station is situated has been a source of crime and disorder and public nuisance for many years with numerous calls being made to police in the main anti-social behaviour, criminal damage and thefts. Dedicated officers are deployed in the locality and at times it is a drain on police resources.

Within the immediate vicinity of the premise are residential properties and two parks where there have been issues inclusive of, drinking, with a high percentage of those individuals being underage, drunkenness, rowdy behaviour and damage.

Other local convenience stores have been subject of police intervention on a number of occasions due to staff regularly complaining that large groups of youths were congregating outside their shops and requesting adults purchase alcohol on their behalf, commonly known as proxy sales.

**Crime and Disorder:**

Officers who have attended the premise have raised issues with police licensing that the premise is reticent of taking on board basic crime prevention measures, inclusive of CCTV.

Due to the amount of recorded crime at the premise. There is currently a problem orientated policing (POP) plan being implemented to try and problem solve this particular location.

There is evidence due to the amount of reported incidents at the location that staff/management are unable to effectively manage the garage in its currently capacity, so the police are concerned on how they would be able to manage with increased custom should a licence be granted and feel they are relying on CCTV to prevent crime and disorder

**Children from harm:**

The applicant is stating a challenge 25 will be operation and identification will be required, and a refusal register completed. There are Insufficient staff employed at the garage which has contributed to thefts particularly during busy periods, which concerns the police as to how one member of staff could effectively implement the suggestions made on the application.

**Public nuisance**

The Licensing Act 2003 enables the interpretation of nuisance to retain its wider meaning under common law. It therefore retains the flexibility to take in all the concerns likely to arise from the operation of any premises conducting licensable activities in terms of the impact of nuisance on people living or doing business nearby.

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Durham Police have received a significant increase in the number of calls from local residents reporting that large groups of people are congregating in close proximity of the service station, engaging in alcohol related ASB. This activity is causing misery and a detrimental effect on the lives of local residents and the wider community who either use, or frequent this area. The granting of a licence for the proposed premise will increase the number of licensed premise within the vicinity”

### Appendix 1A (ii)

**Representor:** Director of Public Health  
**Comments:** Based on the Protection of Children from Harm.

Alcohol related harm is a key public health concern for both children and adults in Darlington.

Tackling alcohol harm also addresses harm to health, crime related harm, harm to families and the economic cost to the Borough. The evidence is robust that effective ways to reduce harm from alcohol include reducing affordability, availability and attractiveness of alcohol products.

Alcohol misuse is associated with a range of medical conditions. In Darlington, alcohol specific deaths for men have increased, chronic liver disease deaths for women have increased and alcohol admissions to hospital remain significantly higher than the England average. A charity works with drug and alcohol dependent adults in this vicinity and increasing the availability of alcohol is a concern.

The North East region has the highest rate of under-18 years alcohol specific admissions and on average, over the last three years, at least one under 18 year old has been admitted to hospital every day for an alcohol specific condition.

The above is context for the concerns I am raising, i.e. the contribution that increasing availability of alcohol makes to the alcohol related harm of our local population and secondly, the impact on the licensing objective of “the protection of children from harm”.

Based on police incident data, there is an alcohol related risk to the health and safety of young people in this location. An application granted at this stage raises concerns that alcohol will be more available and accessible to these young people.

If this license is granted, then it is important to ensure that the management of the premises is robust enough to ensure that alcohol is not supplied either directly or indirectly to young people, so as to limit the risk of health related alcohol harms.

Taking into consideration the Licensing Objectives as outlined, and in particular the Prevention of Crime and Disorder, Protection of Children from Harm, and the Prevention of Public Nuisance, should the licensing be granted for sale of alcohol between 11am and 10pm I make recommendation that the following conditions are applied:-

- 1) CCTV equipment, fit for purpose, covering all exits and entrances used by customers will be maintained in working condition, whilst the premises is open for business. Recordings will be maintained for 28 days and available upon request to the police.
- 2) An incident/refusal book, which shall be consecutively numbered, and available upon reasonable request to responsible authorities, will be used to record appropriate incidents or refusals as soon as is practicable. The entries shall include time, date and brief outline of the incident/refusal.

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- 3) A Challenge 25 policy will be adopted at the premises whereby any staff member, when approached by a customer who wishes to purchase alcohol, and appears to be less than 25 years of age shall be asked for appropriate identification. If the appropriate identification is not produced the sale will not be made.
- 4) Appropriate identification will be a passport, a photo driving license or a PASS accredited proof of age.
- 5) Alcohol refresher training shall be undertaken every six months with written records available for inspection by the responsible authorities upon reasonable request.
- 6) The garage shall operate a "closed hatch" policy with no public access into the shop between 7 p.m. and the terminal hour for alcohol sales, after which no sales of alcohol shall be made.

Application of the above will help reduce the probability that alcohol sales, supply or proxy provision directly or indirectly to young people will occur, and so minimize actual or potential health harms to young people.

### Appendix 1A (iii)

Representor: Mr and Mrs McKellar 8 Hadrian Court, Grange Road. DL3 8RE.  
Comments: Based on the Prevention of Crime and Disorder

"Please accept this letter as our objection to the above application for a licence to sell alcohol. Our objections are as follows:

1. Nothing has changed since these premises were refused planning permission by DBC to sell alcohol in February of this year. At that time the Council took the view that the premises were situated in a residential area and the selling of alcohol would threaten the right of residents to peace and quiet and personal safety. A change of tack by the applicant to go via the licensing route does not alter the rationale of previous Council decisions - one would hope. Nevertheless, we should like to stress the fact that this service station is adjacent to a family home and is surrounded by other homes. It is not in an isolated location. There is a proven correlation between the consumption of alcohol and anti-social behaviour and permitting alcohol to be sold from these premises will inevitably lead to an increase in anti-social behaviour with all the repercussions on other services that will result. Recent major anti-social events in South Park fuelled by alcohol which put stress onto the police force bears witness to this.
2. One would expect the Council to assume some responsibility for the care and safeguarding of residents ( as 1 above ) but also to be concerned about giving out correct messages to the general public. How in all conscience can DBC agree to a service station selling alcohol to people who, most often, will be in a vehicle? It's not too great an assumption on our part to say that younger drivers in particular will be tempted to buy cans of alcohol as they pay for their petrol and start drinking them as they drive off the forecourt. That DBC should give support to the combination of drivers and alcohol simply does not stand up to reason.
3. Is DBC aware that an armed robbery took place at these premises during the week of 24th November 2014? Once again, the presence of alcohol will surely add to the evident risk that employees are in by being alone late at night. Will a serving kiosk safeguard an employee if faced with a sawn-off shotgun as was used in this occasion? Certain employees have confided in their personal reluctance to serve alcohol knowing that it will add to difficulties they already face, not least from a minority of rude and abusive individuals housed at the 700 Club which is only yards away. One would

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assume that the Darlington Constabulary who are frequent visitors to the 700 Club premises would not wish its residents to have such a convenient outlet for alcohol any more than its neighbours would.

4. Finally, there is no need for these premises to sell alcohol. There is a convenience store situated in Blackwell - a three minute drive - which already has a license and which is open till late at night. It is not as if the general public is going to be greatly inconvenienced if this application is refused.

As a post-script: it was interesting to be told by an employee at the service station that actions have already been taken by the owners to measure up the shelves etc. that will accommodate the alcohol and that there is a strong sense of confidence that THIS time the license will be granted - after several past failed attempts via planning. Well, we put our trust in the integrity of the process but DBC must be under no illusion - if the license is granted and once the inevitable anti-social behaviour materialises, residents will not hesitate to demand greater support from the police. There will be an unwarranted cost to public services because of a bad decision."

### Appendix 1A(iv)

**Representor:** Dr and Mrs Fox 60 Grange Road Darlington

**Comments:** Based on

Following the recent armed robbery at the Esso premises on Grange Road, my wife & I both feel that it would be reckless for the Council to approve the application to sell alcohol for the following reasons:

- a. The premises' vulnerability to crime has been unfortunately highlighted by the recent robbery. Stocks of alcohol and the increased likelihood of cash held on the premises would only serve to encourage future attacks on property and individuals. Sale of alcohol products also encourages other forms of criminality such as underage drinking, drinking whilst driving, antisocial behaviour and public disorder.
- b. The premises already appears to lack adequate CCTV and/or other Health & Safety measures to help protect its own staff, clients or nearby residents.
- c. The close proximity to several schools as well as to vulnerable young people staying at the 700 Club raises serious Child Protection issues.
- d. Consumption of alcohol off the premises (e.g. in South Park and nearby streets) would contribute to public nuisance, e.g. litter, vomit and urine.

### Appendix 1A(v)

**Representor:** Mr and Mrs Crisp 28 Upsall Drive Darlington.

**Comments:** Based on the Protection of Children from Harm

With reference to the application for an alcohol license for the Esso garage we strongly object to this. There are many business's in the near vicinity who supply alcohol to take out. Some of this alcohol (which we have seen) ends up in the hands of young teenagers who drink in South Park and in the grounds of the old Blackwell Grange golf course.

Please feel free to contact us if you wish to discuss this further."



**Representor:** Mr Paul Claxton, 5 Lombard Court Darlington

**Comments:** Based on the Prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm.

“As i live directly opposite wish to raise my concerns i and a few neighbours have over the application for alcohol license for the Esso Garge on Grange Rd Darlington.

Think there will be an increase in anti social behaviour and crime bearing in mind there has recently been an armed robbery at the garage where a sole member of staff was attacked and had her car stolen. There are also concerns over extra noise with extra deliveries and extra litter such as broken glass which i am sure will occur. This could end up giving the council more work cleaning the streets which in the long term could increase the council tax and put extra burden on councils resources which have been cut any way.

There has also been under age drinking by congregating youths in Green Park and South Park resulting in anti social behaviour which would also increase putting more strain on police and also disturbing the neighbourhood. Two schools are also located nearby so children or under age drinking could increase affecting the publics safety.

Dont think there is any need for off licence as Sainsburys and Majectic wine are nearby”

### Appendix 1A (vii)

**Representor:** Ms Elaine Allcock

**Comments:** Based on the Prevention of Crime and Disorder and the Protection of Children from Harm.

“I wish to object to the above application. Grange Road and surrounding areas is subject to crime, we are considered a high risk area for burglary. South Park and Green Park is subject to young people gathering in large groups and alcohol is consumed, these areas are considered a public nuisance after dark. The area is between two schools, St Augustine’s and Polam Hall, young people could be further exposed to alcohol related crimes and anti-social behaviour . In addition the 700 Club is in short walking distance from the garage, people here are vulnerable and temptation about easy access to alcohol should not be encouraged.

In this area we already have Sainsbury’s, Blackwell Post Office and two shops in Cleveland Terrace that all sell alcohol.

In light of Drink Driving Laws, selling alcohol at a garage premises where drivers are buying petrol contradicts the message that alcohol and driving is not compatible”

### Appendix 1A(viii)

**Representor:** Mr and Mrs Jones 5 Hadrian Court Darlington

**Comments:** Based on all four of the Licensing Objectives.

“We wish to raise objections to the possible granting of an alcohol licence to the Esso Garage, Grange Road, Darlington for the following reasons.

1. The prevention of crime and disorder.

This garage has recently been the scene of an armed robbery on 27th November, when its current security arrangements and lone attendant proved insufficient to deter serious criminal action. The presence of alcohol and the resultant increased cash takings would make the premises a more attractive and likely target for thieves.

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### 2. Public safety.

The increase in the likelihood of criminal action at the garage poses a threat to the safety of its staff, other customers, and to the residents of the area. The garage, whose primary function is to sell petrol, is situated in a residential area. Moreover the likely increase of the presence of drunken individuals or groups would also increase the risk of harm to or harassment of all people in the proximity of these premises. The small numbers of staff, often only a lone individual, would be quite unable to deal with any potentially dangerous or unpleasant incident.

The sale of petrol and alcohol together is not compatible, and would be an encouragement to "drink-driving".

### 3. The prevention of public nuisance.

The Grange Road Garage is situated in a residential area. Unfortunately the vicinity is already subject to invasion by groups of drinkers (and sometimes drug takers). Particular black-spots for the gathering of such groups are South Park (almost opposite the garage), Southend Avenue, Green Park, Blackwell Bank, and the many back alleys in the area. Sale of alcohol at the garage would provide an even more immediate purchasing opportunity with less security and safeguards than those already in existence. The area's parks in particular have in recent months been the location of very large gatherings, arranged via social media. Many of these people are probably underage. These gatherings have been the scene of excessive drinking, fighting and assault. The availability of alcohol at the garage, in such close and convenient proximity, would increase the likelihood of more such gatherings, posing a danger to the health and safety of the participants and to local residents. With ever decreasing numbers of police, the activities of such groups are increasingly difficult and costly to control. Apart from danger to life and limb, these drinkers cause noise and nuisance, and leave huge quantities of litter, including broken glass. Our parks should be for the safe enjoyment for everyone including children and families.

### 4. The protection of children from harm.

The small numbers of staff at the garage might find it difficult to refuse to sell alcohol to under-age drinkers, who, acting in groups, might be very threatening and intimidating. There are many young people living in the area. There are also many children attending two local schools (Polam Hall and St. Augustine's), as well as some very vulnerable young people resident at the 700 Club on Grange Road. All these people should be protected from becoming the victims or witnesses of, or indeed participants in excessive and/or underage drinking. The sale of alcohol at the garage would pose a very real threat to them all.

As local residents we wish to object in the strongest possible terms to the potential granting of an alcohol licence to the Esso Garage, Grange Road. This is primarily a residential area. The garage's primary purpose is to sell fuel. Indeed it would not and could not exist without such a function, whatever some cleverly manipulative accountant may claim about its subsidiary shop sales. In our opinion this application for an alcohol licence should be refused."

## Appendix 1A(ix)

**Representor:** Mr Barry Lumsdon 4 Hadrian Court Darlington

**Comments:** Based on the Prevention of Crime and Disorder

"I am writing as a local resident to object about the granting of this license.

I believe selling alcohol at a local garage can only increase crime and disorder in the local area. The recent armed robbery at the premises highlights the garage will be seen as an easy target to cause trouble and commit crime. The sale of alcohol will increase the occurrences of youths congregating in the back lanes close to the garage with increased anti social behaviour in the area.

**Representor:** Ejaye Moran 8 Harewood Terrace Darlington

**Comments:** Based on all four of the licensing objectives

"I am writing to formerly register my objection to the application for an alcohol license for the Esso garage on Grange Road.

I am a local resident and live at 8 Harewood terrace where I live with my 16 year old daughter as a single parent and have done so for the past 12 years.

I make my objections as follows:

The prevention of public nuisance - i have experienced numerous incidents of public nuisance during that time with issues with youths often fuelled by alcohol walking by my house which is a back lane which is now a cycle way. This has been both in terms of late night noise, disturbance banging on my door and windows. Broken windows, the house being egged. I have even opened the door late at night and had drunken teenage boys fall in through my front door. All these incidents have been reported to the police.

The location of my property on this back lane is already a target which has resulted in me having to invest in cctv to protect myself and my property. They come through south park around the back off the garage crossing Blackwell lane and making their way to green park. I am concerned that the ability to buy alcohol from the garage will only increase the number of youths and anti social behaviour in the area.

Public safety - I have had numerous bottles and cans thrown into my garden and smashed glass bottles on the pavement and lane outside my house again as a result of people drinking publicly.. I am concerned that this will increase if people are able to buy alcohol at the garage. There is already a problem in green park with litter and bottles and cans.

I am also concerned at the increase in traffic accessing the garage for alcohol as well as extra deliveries early morning.

In view if the recent robbery I feel if alcohol was being sold the garage would be holding more cash on site and may be more of a target.

It's seems contradictory that a garage where people come for fuel in their cars may be buying alcohol and there is a possibility of drinking and driving increasing the risk to pedestrians and residents. I am also concerned about the increase in traffic using the garage to come and get alcohol.

Protection of children

I am concerned about the close proximity of the garage to two schools and the impact this may have if underage drinking increases or people with alcohol issues begin to frequent the area due to the supply of alcohol being easy and both green park and South Park being near by.

There is also the 700 club which is there to afford protection to vulnerable young people. Access to alcohol would be almost next door and may increase the dangers of alcohol to those residents of the 700 club both in terms of easy access to alcohol but also to other people frequenting the area who may pose a danger to these people. My own daughter has been insulted and felt scared when there are large groups of youths already underage drinking in the park. This license will only exacerbate the situation.

I think it is ridiculous that this is being considered in view if the fact that if people want to buy alcohol Sainsbury s is only a short distance and is already open during the same times. I am more concerned that if alcohol is made available more youths and people with alcohol issues will congregate more. This will only lead to even more trouble as well as costs in terms of

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policing, disturbances and disruption to residents. Often places that sell alcohol often sell cheap alcohol to make a profit and therefore it naturally attracts people for that reason and with one thing in mind to get as drunk as they can as cheaply as they can. The lack of cctv in the area means that disturbances and damage often go undetected.

I do not see why I should have to deal with even more disturbance just so a garage can make more profit.

I hope that you will consider my concerns and I would like confirmation from you that this email has been received and it's contents noted.

### Appendix 1A(xi)

**Representor:** Howard Stuttard

**Comments:** Based on the Prevention of Crime and Disorder

"It appears that the esso garage on grange road is trying again for an alcohol license

I wish to formally object

- 1 There is no need for such a facility as there is a supermarket 2 minutes walk away
- 2 the recent theft shows what sort of operation it is adequate staffing? 1 poor women who had her car stolen presumably there was a panic button that she hit? why did the cctv not produce photos have not seen any requests on local news re pictures a shambles
- 3 the local parks are not exactly a safe haven at night with the young under 18's wanting their booze

please do NOT give this shambles a license

### Appendix 1A(xii)

**Representor:** Paul Davison

**Comments:** Based on the Prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm

"I am writing to lodge my objection to the granting of this license. In common with many other residents of the area we lodged a similar objection 2 years ago when there was a similar application. I am aware that there have been some concerning incidents at the garage and I feel that there are a sufficient number of shops where alcohol can be purchased within the vicinity (Majestic, Sainsbury's, Ken Warne's, Mills and Blackwell Post Office). My objections are on the following grounds:

- Crime and disorder: the potential vulnerability of staff working in the garage particularly late at night
- Public safety: outskirts of town but in a residential area, inadequate CCTV on site, potential to attract nuisance behaviour and not just motor trade.
- Proximity to South Park and the potential for alcohol to be purchased or secured on behalf of under age drinkers and taken into back lanes/park etc.
- Safeguarding issues - child protection. It simply increases the possibility of risk by attracting under-age drinking, school children from St Augustines, Polam Hall School etc unwittingly becoming exposed to violent or threatening behaviour.

I trust that this representation is taken seriously"

**Representor:** Mr and Mrs Les 58 Grange Road Darlington

**Comments:** Based on the Prevention of Crime and Disorder

"With reference to the above application (of which we have not been notified, therefore can not give the application reference number), we would like to register our objections, in addition to those made in 2012, on the following grounds:

**1) Disqualified Application?**

We understood that the granting of licences to filling stations (businesses whose primary function is, and the majority of whose revenue comes from the selling of motor fuel) is still not allowed. This site is far from anyone's idea of a "corner shop", with a very limited range of household groceries and goods, offering little to the local population, but concentrating on supplying the more usual range of travellers' necessities - confectionery, snacks, soft drinks, even the dreaded tobacconists' products - which many regard as beneficial or even essential to the motorist on the move. That this add-on purchase, which is mainly only bought by customers who have called in for fuel, might be regarded as the primary business of this site is inconceivable. And whereas the above items may well be argued as more or less essential to the motorist's condition, alcohol is not: indeed it risks making him illegal.

**2) Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, Protection of Children from Harm**

It is worrying that at a time when alcohol is being targeted as a major cause for concern in society, that actual steps to control it might not be taken. We refer to and quote from the following document:

**Darlington's Alcohol Harm Reduction Strategy - The next steps 2012-2015**

**"Community safety and the night time economy remains an issue, with total alcohol-related crime rates in Darlington still higher than the regional average."**

With all the evidence of the ill-effects of alcohol (specifically as classified by the four headlines above), and the posturing by those charged with remedying these effects, it would seem ludicrous to add to the potential difficulties by increasing the availability in an area where there is no need (Sainsbury's, the Majestic Wine store, and the many licensed premises of Darlington's town centre are but a short walk away) and overwhelming local opposition (the collected force of the objections to the 2012 application must surely be hard to ignore).

It would hardly be sensible, particularly in these difficult economic times, to create yet another potential site for anti-social behaviour when our public services, particularly the police service are already fully stretched.

The use of spurious statistics to attempt to defeat the concerns over alcohol related nuisance should be avoided, as the DAHRS document says, a "police audit suggests that there has been historic under-recording of alcohol as a factor in crime"; that there is a problem is beyond doubt, and one factor of the problem is the ubiquitous and uninterrupted availability of alcohol. It would be unfair to say that another off-sales site would necessarily increase the problem, but it would most certainly not help to reduce it.

**3) Staff Safety**

Despite the tentative fears of anti-social behaviour that will surround the forecourt if alcohol was available, there is a very real risk to staff which is likely to be swept aside by arguments of "business needs" and the necessary economies caused by tight margins, despite lip-service to "adequate staffing levels" and the use of CCTV equipment. As evidenced by the recent armed robbery, this site does not operate in a safe manner. To operate a forecourt with

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only one member of staff is a recipe for disaster, and a cause of stress for the cashier at the very least, if not more serious personal risk, which should not be permitted. Any minor problem is inevitably inflated by the inability of the cashier to respond properly - a problem on the forecourt cannot be dealt with immediately if there are customers in the kiosk, and a problem in the kiosk distracts attention from the forecourt, which would likely be in breach of the obligations of the operator's petroleum licence. CCTV may be of some help after an incident, but is little help during it. Standing your ground against a group of underage youths demanding service needs more than a camera as back-up. Moving on an inconsiderate group drinking their cans of lager in front of the kiosk, or on the forecourt, so that they don't frighten away fuel customers would probably need police help.

In conclusion, we would again quote the DAHRS document, and highlight their stated aim: of **"making Darlington a safe and healthy place to live by reducing unsafe consumption of alcohol, reducing alcohol related crime and disorder and improving and protecting the health of the people of the Borough"**. We would urge the Licensing Authority to make good on that intention, by refusing this application (again) and leaving Grange Road with no worse problems than we already face"

### Appendix 1A(xiv)

**Representor:** Ms Susan Lay Polam House, Darlington

**Comments:** Based on the Prevention of Crime and Disorder

"It is with great worry that I have learned today that the above application has been made again.

Since the last application nothing has improved and indeed matter have got worse with the recent armed robbery at the garage.

The licence should not be granted in order to attempt to reduce crime and disorder. The district has already suffered with criminal damage, burglary and theft. It is also One small positive step that could be taken to reduce drink driving.

Public Safety must be paramount and the police are already fully stretched in coping with existing situations without adding even more potential difficulties.

Anti-social behaviour is always high on the agenda with late night noise and disturbance and gatherings of youths in the lanes behind the houses in this essentially residential area.

For this application to be agreed would surely be foolhardy in the extreme and I trust that those responsible will firmly reject this application.

### Appendix 1A(xv)

**Representor:** Mr and Mrs Alderson Hillside Darlington

**Comments:** Based on all four of the licensing objectives

"we wish to make an objection to the proposed application for an alcohol licence by the Esso Garage, Grange Rd, Darlington.

Our objections are as follows

1. The prevention of crime and disorder  
(Armed robbery, burglary theft and damage to cars/property, drug misuse, physical assault, shop lifting, driving under the influence, public urination.
2. Public Safety  
(Broken glass, litter, inadequate staff, inadequate CCTV, safety of staff, reduction of wardens and police to cope with problems, alcohol misuse)

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3. The prevention of public nuisance  
(Congregating youths in back lanes/footpaths/parks, late night noise and disturbances, additional early morning deliveries and waste collections)
4. The protection of children from harm  
(Close proximity to Polam Hall School, St Augustine's School, underage drinking, close proximity of the 700 club for vulnerable young people.)

We wish to keep our local area a pleasant place and hope you take note of our concerns

### Appendix 1A(xvi)

**Representor:** Mr Mark Adam 1 Oakdene Avenue Darlington

**Comments:** Based on the Protection of Children from Harm

"I would like to place on record my strong objections to the above application. Quite apart from the logic of granting a garage a license to sell alcohol given the implications for drink driving, or mixed messages on the now shared view of drink driving, there are clear implications for where I live.

There is already a substantial problem with children drinking excessively in the Green Park, South Park, Blackwell Hotel area - this is both problematic for the health of these children, but also puts them in danger of significant harm whilst intoxicated. Increasing the availability of alcohol can only make this problem and potential harm worse.

I hope you will take these concerns and those of my neighbours into account when considering this irresponsible application."

### Appendix 1A(xvii)

**Representor:** Mr Peter A Fawlk

**Comments:** Based on all four of the licensing objective

"I am writing to object to the granting of the above license.

I believe the granting of the license to be totally inappropriate on the following grounds:-

#### **The prevention of Crime and Disorder.**

We have already had an incident of Armed robbery at these premises even though it was fitted with CCTV. It would also encourage theft and driving under the influence.

#### **Public Safety**

Litter and broken glass will no doubt increase. The CCTV has proved inadequate, and we already don't have enough police resources to cope with problems. This additional strain is unnecessary.

#### **The prevention of public nuisance**

We will have youths congregating in back lanes / parks and footpaths, late night disturbance and early morning deliveries.

#### **Protection of children from harm**

In particular we have two schools in close proximity which would be put under undue risk. There is a 700 club supporting vulnerable young people only 100yds from the garage.

On this last issue alone I believe it to be totally irresponsible to grant this application."

**Representor:** Ms Yvonne Dixon  
**Comments:** Based on Public Nuisance

“Hi it's just been brought to my attention that the garage is wishing to apply for a licence I work at 1 Blackwell lane, in the business centre  
On numerous occasions on a Friday night, I have heard many teenagers shouting and screaming and running riot past the premises  
I park my car outside and have been very concerned about the welfare of it  
On one occasion I had to go down to see what was happening as the noise was unreal  
And it was disturbing the treatment I was carrying out  
I was met by about 20-30 youths, who were drinking and I felt quite intimidated by this as I was in the building on my own, except for the client. As this happened over several weeks, I took the decision to stop my Friday night work  
I have come into the premises on a Saturday morning to find empty beer cans in the entrance of the building  
A problem clear exists here, and I feel that the garage gaining a licence will clearly make the problem even worse and I would like this email to be classes as an objection  
Many thanks  
If you need more info please get in touch”

### Appendix 1A(xix)

**Representor:** Lesley Barnes  
**Comments:** Based on the Prevention of Crime and Disorder and Public Nuisance

“On hearing that the garage has applied to sell alcohol I feel the need to get in touch to air my concerns regarding this.

I do not see the need for any petrol station to sell alcohol on principle alone, petrol stations should be promoting the dangers of drink driving not reminding people to buy their alcohol.

Due to recent events at the petrol station and the nuisance of teenagers drinking alcohol around the parks in this area I feel that permitting the license will make it easier for teenagers to obtain alcohol in this area which can be a nuisance to local residents and will certainly not discourage crime, disorder, litter(which can be terrible in the summer in Green park after teenage parties) and noise,

I drink alcohol regularly myself but never purchase it from Petrol stations as I disagree that they should sell it.”

### Appendix 1A(xx)

**Representor:** Ms Alice Barrigan 1 Polam Road Darlington  
**Comments:** Based on the Prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm

“I write to object to the proposal to grant an alcohol licence to the Esso Garage on Grange Road.

I think it would be highly inappropriate to allow this garage to sell alcohol.

It was the target of an armed robbery last week and permitting it to sell alcohol would only increase its attraction to thieves. In addition to the risk of serious crime, the usual anti-social behaviour so frequently associated with sale of alcohol would have implications for the safety of neighbours, staff and garage customers. The garage is sited near the edge of town, with easy access to major roads, and is not in an area that would normally require the attention of



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police and wardens. In the current state of the economy, we can only expect more reductions in their numbers – and why create another problem for them, when they already have quite enough to do?

The garage is in an area affected by anti-social behaviour, principally of young people in South Park and Green Park and it would be highly irresponsible to add to that problem. Apart from the noise and police nervousness about public order in the Parks, the debris left behind is so unpleasant for everyone. I usually try to pick up litter as I walk in South Park (as do many other people) but an episode this summer was particularly bad. I found bottles and cans scattered round the picnic tables beside the Skerne in South Park and gathered up as much as I could, but there was a large amount of broken glass in the grass and across the path and it was impossible for me to pick it up – I had to contact the council. This is a favourite area for families with young children, and someone could have been badly hurt.

In addition, there is the welfare of the children attending the nearby schools and vulnerable young people of the 700 Club to be considered.

Please don't grant the licence!"

### Appendix 1A(xxi)

**Representor:** Mr and Mrs Clemo 22 Southend Avenue Darlington

**Comments:** Based on all four of the licensing objectives

"We, residents at the above address, object to the granting of an alcohol licence to the above garage on the following grounds:

1. There has already been an armed robbery at the garage, and there are not sufficient staff to prevent crime and disorder resulting from alcohol consumption in the area.
2. Public safety is at risk from the possibilities of broken glass, inadequate CCTV, reduction in numbers of wardens and police and alcohol misuse.
3. Prevention of public nuisance such as late night noise and disturbance, congregating youths, additional early morning deliveries and waste collections.
4. Protection of children from harm: the garage is near Polam Hall School and St Augustine's School, also the 700 club for vulnerable young people. There would be a danger of underage drinking.

Please do not allow this licence to be granted."

### Appendix 1A(xxii)

**Representor:** Mr and Mrs Marley 8 Marlborough Drive, Darlington

**Comments:** Based on the Prevention of Crime and Disorder and the Protection of Children from Harm.

"We wish to register our objection to the application for an alcohol license at the Esso Garage, Grange Road, Darlington.

**The prevention of crime and disorder** - alcohol is known to lead to an increase in crime and disorder there are numerous recent reports on this.

"Alcohol misuse **costs** England approximately £21bn per year in healthcare, crime and lost productivity costs"; **we want to cut costs in our neighbourhood, not add to them.**

"An estimated 9990 people were casualties of **drink-driving** accidents in the UK in 2011 including 280 who were killed and 1290 who suffered serious injury"; **it would be ill advised to sell alcohol at a fuel filling station.**

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"Victims believed the offender(s) to be under the influence of alcohol in around half (47%) of all **violent incidents**, or 917,000 offences"; **we want to reduce crime and assaults in our neighbourhood, not add to it.**

**Public safety and the prevention of public nuisance** - recently there has been an armed robbery at the Esso Garage, Grange Road, Darlington, whereby a member of staff working alone, was threatened and subjected to a shocking trauma. Selling alcohol is likely to make matters worse. There has recently been an increase in crime in the area, theft from cars and garden sheds. Selling alcohol is not going to improve this, but is likely to make it worse. There has been an increase in anti-social behaviour, particularly during the summer months in the two nearby parks, Green Park and South Park, with large groups drinking alcohol. This discourages individuals, families and children from using the parks. There appears to be a reduction in the number of wardens and police to monitor alcohol misuse in the parks and to control the public nuisance; **selling alcohol close to two parks is likely to increase the risk to the public and likely to cause more public nuisance in our neighbourhood.**

**The protection of children from harm** - the proposed site to sell alcohol is close to three local schools, two St Augustines Schools and Polam Hall School. The proposed site is also very close to the 700 club for vulnerable young people. We should be discouraging underage drinking rather than selling alcohol close to concentrations of vulnerable young people. Children should not have to walk through parks and streets where groups are drinking alcohol, making them feel scared and threatened on their journey home; **selling alcohol close to schools and the home of vulnerable young adults would be a counterproductive step for maintaining a balanced and healthy society.**

We therefore wish to oppose the planning application for an alcohol license at the Esso Garage, Grange Road, Darlington."

### Appendix 1A(xxiii)

**Representor:** Mr Russell J Morgan 103 Coniscliffe Road Darlington

**Comments:** Based on the Prevention of Crime and Disorder and Public Nuisance

"i would like to object in the strongest terms to the application from Esso garage on Grange Road Darlington for an alcohol licence, my house backs on to Green park and we have numerous issues with youths being drunk including having to break up fights, clean up litter the following morning, they have broken into my garden to name a few"

### Appendix 1A(xxiv)

**Representor:** Ms Elspeth Robinson 2 Upsall Drive Darlington

**Comments:** Based on the Prevention of Crime and Disorder and the Protection of Children from Harm.

"I strongly oppose the application for the above license on the grounds of potentially increased unsocial behaviour, crime, disorder and the threat to school children in Green Park and South Park.

There is already enough anti-social activity and burglaries in this area without exacerbating the problem.

I sincerely hope you will seriously consider these relevant facts whilst making your decision."

**Representor:** Mr Simon Todd 64 Grange Road Darlington

**Comments:** Based on the Prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm

“I am sure the council are aware that a premises being used primarily as a petrol station cannot be considered for an alcohol licence and it is pretty obvious that the site in question is primarily a petrol station. I think it unlikely that the business owners are able to dispute this fact. As their nearest neighbour I am quite aware of how many visitors use the petrol pumps and those who do not. Any subsequent retail purchases at the property are mainly on impulse and as such should be discounted from any calculations.

I also object to the awarding on an alcohol licence for the following reasons:

**I believe the sale of alcohol will increase the incidences of anti-social behaviour.** There is strong anecdotal evidence of alcohol related anti-social behaviour occurring in the vicinity of another garage in Darlington that was awarded a licence. This is documented extensively in the Northern Echo and in many cases provided by actual local residents around the site. I have no doubt that should the council allow the above mentioned application then this anti-social behaviour would spread to our area, why would it not? We already have issues with this kind of behaviour, often alcohol related, occurring in nearby South Park and Green Park. As this garage would become the closest place to acquire alcohol in the area it is obvious that it would bring increased levels of undesirable behaviour.

**I also believe that the sale of alcohol at the site would lead to an increase in criminal activity in the area.** The unit is already the target of shoplifters; it has been broken into a few times and recently was the site of an armed robbery. The unit is understaffed and not securely monitored; therefore it stands to reason that crime levels will be increased.

**I have a concern with the sale of alcohol for younger people in this area to.** There is already well documented evidence that the North East has the worst problems with underage drinking and connected behavioural issues in the UK. The idea of increasing the availability of alcohol in the area is just ridiculous, and as this is predominantly an area of family accommodation there are many young people living here. There is also a school in close proximity to the site.

The company making this application have repeatedly demonstrated that they put profit above neighbourhood considerations and for the above reasons i would ask the council to be representative of its residents best interests and refuse the application”

**Representor:** Mrs Tricia Todd 64 Grange Road Darlington

**Comments:** Based on all four of the licensing objectives

“I wish to strongly object to the application with regards all four licensing objectives, as detailed below:

This garage's primary use is to sell fuel. The shop is very small in comparison to the forecourt and very few people use it as a shop. As my family are the closest residents, I am fully aware of passing trade and would refute any claims that the shop business outperforms fuel sales.

The shop business has had high turnover of franchisees/managers over the past few years, since the garage has been owned by Rontec. During the past year or so there have been three managers that I know of. I am concerned that high levels of staff turnover may lead to problems due to lack of training to enable staff to sell alcohol responsibly.

## **GRANGE ROAD SERVICE STATION**

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Over the past few years there has been a well documented history of problems with the garage not abiding by its planning restrictions, operating outside of permitted hours, issues with noisy deliveries and refuse collections during the night and problems with waste management. Darlington planning department, planning enforcement and environmental health could provide detailed information concerning these problems.

This area of Grange Road forms part of a conservation area.

With regards the four planning objectives:

### **1. The prevention of crime and disorder**

The garage has been burgled five times in the past three years, and recently had a armed robbery. When the police spoke to me about the incident they said there are more fuel thefts at this garage than any other in Darlington. Selling alcohol in this location is unsafe as there are not enough staff to run the shop, forecourt, car wash and prevent crime at the same time. As there is only ever one member of staff at a time, there is no-one to mind the shop when they take a break in their long shifts. They cannot prevent shoplifters or underage drinkers when they have to take a comfort break. Surely selling alcohol would make them more of a target.

There have been historical problems with drugs being sold on and around the forecourt. As a result, the phone box had to be removed, which was being used to order drugs (and I was awarded a commendation from the Durham Constabulary). We still sometimes find hypodermic needles in front gardens and along the back lanes, which have to be securely disposed of by Darlington Street Scene. We are concerned that selling alcohol would bring those problems back to this area.

### **2. Public safety**

We are concerned that the back lanes and paths, which are often poorly lit and hidden from view from the main streets, may become no-go areas late at night with congregating drinkers. Many of the closest residents are pensioners and young families, none of whom would want to feel unsafe around their own homes.

The parking area behind the offices at the bottom of Blackwell Lane often has empty bottles of spirits discarded over night. There is often broken glass which damages car tyres, bicycle tyres and cuts dogs' paws. We often have to clear up this waste ourselves before it becomes a health hazard. It also looks unsightly and spoils the conservation area.

### **3. The prevention of public nuisance**

The garage's planning permission has no restrictions on when deliveries and collections can be made. We have experienced years of being woken in the early hours of the morning by HGVs attending the garage before opening time, often leaving stock unattended on the forecourt. We are concerned that there will be an increase in deliveries at unsociable times.

As mentioned in the following paragraph, we are concerned about drinkers congregating on our garden wall, whether they be underage or not.

The 700 club/Hope House is also situated nearby. Where Majestic Wine Warehouse refuse to serve the young people who live there, I am concerned that the vulnerable residents may be able to buy alcohol at the garage instead. As residents are not allowed to take alcohol back to the 700 club, they will have to consume it elsewhere which will undoubtedly impact on the local residents.

## GRANGE ROAD SERVICE STATION

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Following reports in the Northern Echo, there have been several comments submitted from residents who live near to other garages in Darlington who have alcohol licenses. Residents near to those locations, particularly Haughton Road, complain about public nuisance caused by drinkers and the waste they leave behind. We do not want the same problems in our area.

### 4. The protection of children from harm

The forecourt does not have adequate CCTV to cover all areas. We are concerned that due to the position of the cameras and windows, staff will not have a clear view of the area to the right of the shop. Children often sit along the walls outside the garage, waiting for an older teenager who is in the shop. How will staff know who the recipient of the alcohol will be and how will they ensure that the alcohol will not be consumed by underage drinkers?

The garage is situated in between Green Park and South Park, both of which have well documented problems with congregating gangs of youths, violence and underage drinking. We are concerned that if this garage were to sell alcohol, the problems would increase and put more children at risk of harm.

Many children walk past the garage on their way to St Augustine's Primary and Polam Hall School. We are concerned that the garage may use their numerous advertising boards to promote 'alcopops' and other similar drinks targeted at the younger generation.

Where Majestic sells cases of wine (minimum 6 bottles) to over 25s, Esso could potentially sell cut-price single units of alcohol to anyone who can prove they are over 18.

In conclusion, I see no advantages to granting these premises a license to sell alcohol. It will undoubtedly have a negative impact on the local area and make the lives of local residents a misery. Darlington does not need yet another outlet to buy alcohol 365 days per year. The company making this application, Rontec, have continually put their company's profits before the needs of their staff and the public amenity of the local community. Please consider the close proximity of local residents (my home is less than 2 metres from the shop) and the impact this license would have on those families' lives"

### Appendix 1A(xxvii)

**Representor:** Mr Gary Darby 6 Polam Road Darlington

**Comments:** Based on the Prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm.

"I am writing to express my objections to the application for an alcohol license for the Esso Garage on Grange Road, Darlington. We are aware of numerous examples of anti-social behaviour in the vicinity and we feel that this will be exacerbated if the license is granted. There have already been instances of disturbances in Polam Lane, Crocus Walk and Grange Road (noise, litter, youths congregating to drink etc.) and we feel it would be irresponsible to grant this license when a school is situated nearby. We have young children ourselves and we are very concerned that this application, if granted, would adversely affect a quiet residential area (we have been affected by noise and have had beer cans thrown in our garden). We don't feel that the garage has enough measures in place to ensure public safety (we note the recent robbery at the garage) and we would also argue that there is no need or public demand for another business selling alcohol when there is a large supermarket close by.

We strongly object to this application and the reasons it was refused in the past are still pertinent. We hope you will reject the application as many local residents also feel the way we do.

**Representor:** Mr and Mrs Kemp

**Comments:** Based on the Prevention of Crime and Disorder and Public Nuisance

“My wife and I strongly oppose the granting of a licence to the above garage.

Our reasons are we live opposite South Park in Parkside and we are only too aware of the regular disturbances and problems that alcohol charged teenagers cause. We are always having to clear cans and bottles from our front garden that are thrown from the park. The council have spent thousands of pounds on cctv cameras but the kids still run amok around the park late at night unchecked. There are parts of the park that we will not use even during the daytime as it's often full of drunken yobbo's. The parks staff seem unable or even unwilling (I don't blame them) to move them on.

We think there are enough places in Darlington where people can buy alcohol without the need for anymore.

The news that the garage was the subject of an armed robbery should also sound very loud alarm bells. The garage is ideally positioned for a robbers' quick getaway without too much intervention (if any) from the police. They'll be off straight down Grange Road to the A66 and away before you know it. We urge you to think VERY carefully before considering giving them a licence.

One last thing. As car drivers we regularly use this garage, and I'm sure they sell more petrol than shop goods.”

### Appendix 1A(xxix)

**Representor:** AF Murray 6 Kendal Close Darlington

**Comments:** Based on the Prevention of Crime and Disorder and the Protection of Children from Harm

“I am writing to express my objections to this application. I understand that it is illegal to sell alcohol on premises that relies on fuel as its main source of income. It is perfectly obvious that fuel sales well outsell the goods in the shop.

These premises are within the boundaries of the “Stanhope Park Conservation Area) and the garage should comply with its Rules. There are two schools in this area and I think the availability of alcohol here would be an encouragement to drink at the rear of these premises. This also applies to the 700 Club (a temporary home for youngsters)

Lastly may I point out that a female employee was confronted by two persons with a gun and a knife late at night and locked in an office, whilst they stole cash and her car (Imagine if alcohol had been available)

I do not see the need for alcohol sales in these premises”

### Appendix 1A(xxx)

**Representor:** AA King 14 Polam Road Darlington

**Comments:** Based on Public Nuisance

“There is a small amount of litter in Grange Road every Saturday and Sunday morning, most of which stops at the top of Polam Road. Encouraging people to continue with their carryouts knowing they can get more alcohol at the garage will inevitably lead to more people and to more rubbish

## GRANGE ROAD SERVICE STATION

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A more serious issue is the availability of alcohol at any time to the people in the 700 club, whose lives are helpfully being turned around by lack of readily available alcohol. At the moment only a few of these residents are not being responsible. Depends who is in residence.

A local supply of alcohol close to a South Park gate will lead to late night parties in the park during more pleasant weather, and this is likely to annoy those people who live nearby.

Now that Polam Hall school takes 18 yr old pupils, there is a risk of alcohol being carried in to the school.

Lastly, the extra litter and damage to street furniture, pathways and possibly trees is something which will cost the Council more money, which can be ill afforded in these tight times."

### Appendix 1A(xxxi)

**Representor:** P A McCann

**Comments:** Based on the Prevention of Crime and Disorder

"I am writing to object to the application for a licence to sell alcohol at the Esso Garage, Grange Road, Darlington. I believe that the easy availability of alcohol in this location would contribute to an escalation public nuisance and crime in the area. We are already plagued by gangs of youths wandering the street and alleyways making people who attend my clinic nervous about their personal safety. I myself have had my car broken into when it was parked outside the front door of the building and other patients have had phones and sat navs taken and are now reluctant to leave their cars unattended. The addition of readily available alcohol into this environment will do nothing but exacerbate an already volatile situation"

### Appendix 1A(xxxii)

**Representor:** Mr and Mrs MacKenie 3 Blackwell Lane Darlington

**Comments:** Based on the Prevention of Crime and Disorder and the Protection of Children from Harm

"We would like it to be known that we are completely against the granting of such a licence to the Garage for the following reasons.

1. Alcohol should not be sold at a filling station and encourages drink driving
2. Due to recent armed robbery and skeleton staff in the evenings, this causes concerns for neighbours and staff. There is usually only 1 person in the kiosk
- 3 Youths and young people. We have already witnessed an over 18 year old purchasing alcohol for younger teenagers and passing it over to them. They need little encouragement to make the lovely local parks unsavoury. There are alcohol outlets at Majestic, Sainsbury's and Ken Warnes in the vicinity, also at Blackwell Post Office..
4. The proximity of Polam Hall School, St. Augustines and the 700 Club is unsuitable for encouraging under age drinking.

These points we hope you will take on board as being so close to the centre of town, we do not wish to see unsavoury behaviour in the vicinity or on the back lane behind the garage caused by alcohol. There are sufficient outlets in the area already without granting another license"

**Representor:** Councillor Heather Scott

**Comments:** Based on the Prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm

"There are already incidents of crime in the area, and the recent robbery at the premises caused great concerns for residents.

The sale of alcohol to car drivers is against the policy of drink driving and could cause major accidents.

Potential nuisance to neighbours from the public purchasing alcohol and drinking in a public place recent problems in Green Park and South Park could be increased by easy access to purchases.

The proximity of the schools St Augustine's Primary and Polam Hall is a child protection potential issue.

At PACT meetings over the past three months evidence of anti-social behaviour in both parks, where some alcohol was confiscated is already a problem and we should not be encouraging further use.

The recent robbery is a major cause of nuisance and increased health risks. To allow further opportunity for purchase is in conflict with council policy to reduce the effect of alcohol on the health of the residents of Darlington."

### Appendix 1A(xxxiv)

**Representor:** Dr and Mrs MacKinnon

**Comments:** Based on the Prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm

"We wish to register our objection to the application for an alcohol license at the Esso Garage, Grange Road, Darlington.

**Public safety and the prevention of public nuisance** - recently there has been an armed robbery at the Esso Garage, Grange Road, Darlington, whereby a member of staff working alone, was threatened and subjected to a shocking trauma. Selling alcohol is likely to make matters worse. There has recently been an increase in crime in the area, theft from cars and garden sheds. Selling alcohol is not going to improve this, but is likely to make it worse. There has been an increase in anti-social behaviour, particularly during the summer months in the two nearby parks, Green Park and South Park, with large groups drinking alcohol. This discourages individuals, families and children from using the parks. There appears to be a reduction in the number of wardens and police to monitor alcohol misuse in the parks and to control the public nuisance; **selling alcohol close to two parks is likely to increase the risk to the public and likely to cause more public nuisance in our neighbourhood.**

**The prevention of crime and disorder** - alcohol is known to lead to an increase in crime and disorder there are numerous recent reports on this.

"Alcohol misuse **costs** England approximately £21bn per year in healthcare, crime and lost productivity costs"; **we want to cut costs in our neighbourhood, not add to them.**

"An estimated 9990 people were casualties of **drink-driving** accidents in the UK in 2011 including 280 who were killed and 1290 who suffered serious injury"; **it would be ill advised to sell alcohol at a fuel filling station.**



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"Victims believed the offender(s) to be under the influence of alcohol in around half (47%) of all **violent incidents**, or 917,000 offences"; **we want to reduce crime and assaults in our neighbourhood, not add to it.**

**The protection of children from harm** - the proposed site to sell alcohol is close to three local schools, two St Augustine Schools and Polam Hall School. The proposed site is also very close to the 700 club for vulnerable young people. We should be discouraging underage drinking rather than selling alcohol close to concentrations of vulnerable young people. Children should not have to walk through parks and streets where groups are drinking alcohol, making them feel scared and threatened on their journey home; **selling alcohol close to schools and the home of vulnerable young adults would be a counterproductive step for maintaining a balanced and healthy society.**

There are already sufficient outlets selling alcohol in the area and it is both inappropriate and unnecessary for there to be yet another one at the Esso Garage. We therefore wish to oppose the planning application for an alcohol license at these premises."

### Appendix 1A(xxxv)

**Representor:** Mr Peter Caygill 83a Grange Road Darlington

**Comments:** Based on the Prevention of Crime and Disorder and Public Nuisance

"I would like to raise my objection to the application for an alcohol licence at the above premises as I feel that it would be utterly inappropriate.

As I'm sure you are aware there was an armed robbery at the garage recently and as the sale of alcohol is likely to lead to increased cash sales, the prospect of this happening again will be increased.

The garage is also adjacent to Kendal Close which has a number of bungalows with elderly residents. These are situated along a back lane and cannot be seen from Grange Road. I feel that the sale of alcohol at the garage will mean that youths are more likely to congregate along this back lane and will thereby cause nuisance and distress to the local residents. In the late summer and autumn it was noticeable that large numbers of youths were congregating in South Park. If alcohol was on sale at the garage I'm sure this problem would only become worse.

There is also the safety issue as bottles are likely to be left behind and broken along the back lane. The lane is used regularly by myself, the residents of Kendal Close and those who work at the offices at 84 Grange Road. It is also frequently used by people walking their dogs to South Park and cyclists.

You will also be aware of the close proximity of the schools at Polam Hall and St Augustines. Young children are regularly seen walking with their parents or grandparents along the lane either to school or to play in the park.

I also understand that a licence to sell alcohol can only be granted if shop sales exceed forecourt sales. I buy my petrol from the garage and occasionally purchase items from the shop. From my experience over a number of years I am sure that petrol sales will far outstrip the sales from the shop."

**Representor:** Ms C Bonnie and Mr Parkes 39 Blackwell Lane Darlington

**Comments:** Based on all four of the licensing objectives

"We live at 39 Blackwell Lane, DL3 8QF and as we have witnessed drunk teenagers in large groups in the area recently, and have seen hyper-dermic needles and plastic bottles used for drugs in the bushes at the top of Blackwell bank and scattered alcoholic drink cans + bottles littered around, we object to the application.

There have been instances when taking my daughter to school that we have had to pass drunks.

One time a man was drinking from a can and he urinated against the wall on crocus walk in front of us.

The 700 club often has people drinking outside.

**We strongly object to another local place with an alcohol license for the following reasons;**

1. The prevention of crime and disorder.

(Armed robbery, the latter having already occurred at the garage which is making the application, burglary in the area & theft of cars which only recently happened at no.43 Blackwell Lane, Signs of drug misuse often found in the area, public urination almost a regular occurrence.)

2. Public safety.

(Broken glass often found in the area, an obvious reduction in the number of wardens and police to cope with problems in the area, alcohol misuse a regular occurrence.)

3. The prevention of public nuisance.

(Congregating youths in back lanes, anti-social behaviour in Green Park and South Park, late night noise and disturbance is extremely common already. Another outlet for late night alcohol when there are already plenty in the local area is only going to exacerbate the problem)

4. The protection of children from harm.

(Very close proximity to primary & junior schools Polam Hall and St. Augustine's schools, encouraging underage drinking, very close to the 700 club where people are regularly seen sat outside drinking.)

Please note there are already many alcohol outlets in the immediate vicinity, Majestic wine and sainsburys that obviously sell alcohol, are literally 2 minutes walking distance away."

**Representor:** Mr D Sharp 42 Grange Road Darlington

**Comments:** Based on the Protection of Children from Harm and Public Nuisance

"I am writing this letter to register our objections to a alcohol license being granted to the Esso station due to the problems it would cause in our area.

We already have a drinking/anti social problem in this area, in Green Park, south Park and South end avenue, another alcohol outlet would only add to this problem. Sainsbury's Majestic Wine and Ken Warn's are all within walking distance another alcohol outlet is not needed in this area and as this is a garage whose main customers are driving this also creates a health and safety issue.

Local children can not feel protected in this area already due to youths congregating drinking and being aggressive to local children, residents and dog walkers this behaviour is also a bad influence on local teenagers especially as we already have Hope House in this area just yards from the petrol station, most of their residents have a drink and/or drugs problem and

## GRANGE ROAD SERVICE STATION

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are there to try and turn their lives around not have more temptation placed yards from their door making their struggle even harder.

Some of the residents of hope house , having money problems also have been seen buying underage youths alcohol for money or some of the alcohol, this would get worse with the garage being a bit more secluded than sainsbury's.

We already have a litter problem due mostly to drunken people leaving cans, bottles etc in our gardens and on the pavements, residents are already having to clear up after this on almost a daily basis along with the damage to our vehicles yet another alcohol outlet would just make all these problems worse and bring the area down even further resulting in people that have lived here for most of their lives looking for alternative's

This proposal would also increase the burden on the police and local council"

### Appendix 1A(xxxviii)

**Representor:** Ms Karen Tursby

**Comments:** Based on all four of the licensing objectives

"I would like to voice my objections to the application made by the Esso Garage on Grange Road in Darlington for an alcohol licence although I would expect you to decline it based on the knowledge you will already have from the police alone!"

My four main objections are:

#### 1. The prevention of crime and disorder

The garage itself was very recently the target of an armed robbery and this can only exacerbate the situation. Over the 18+ years I have lived here I have witnessed and experienced malicious damage to cars and thefts from cars, which when witnessed have been made by people clearly under the influence of drink and/or drugs. To make alcohol more easily available will only increase this risk.

#### 2. Public safety

The recent robbery has suggested there are inadequate measures in place to prevent a public safety incident. The recent austerity measures implemented by the current government has left public sector services at their weakest in living memory and has led to a reduction in wardens and police to cope with threatening or intimidating behaviour caused by alcohol misuse. These reductions also affect the ability of the council to clear broken glass and litter in a timely manner, created in areas where alcohol is sold.

#### 3. The prevention of public nuisance

As a member of a local Neighbourhood Watch scheme I am aware of the anti-social behaviour in Green Park and South Park where large groups of youths have congregated and been drinking alcohol. This leads to late night noise and disturbance as well as intimidating behaviour when walking alone past or through these groups. Recently I witnessed a group where one of the boys kept jumping out onto Grange Road until they dispersed in the direction of the Esso garage. Just last night I could hear a drunken man shouting and swearing and thought about how much more frequently this is likely to be if the license is approved.

#### 4. The protection of children from harm

As you will be aware there are two schools in close proximity to the Esso Garage on Grange Road: Polam Hall and St Augustine's. In the block of terraced houses I live in five of the ten houses have children under the age of 10. The 700 Club, which caters for vulnerable young

## GRANGE ROAD SERVICE STATION

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people is even closer. It is our duty as a community to protect these young people from the temptation of easy underage drinking as well as the effects of alcohol misuse in others.

Please do not approve this application.

### Appendix 1A(xxxix)

**Representor:** Mr David Wilson 4 Kendal Close Darlington

**Comments:** Based on the Prevention of Crime and Disorder, Public Safety and Public Nuisance

“I object to the current application for an alcohol license on the following grounds.

As recent events (armed robbery) have shown, the owners/operators of the petrol station have little regard for their own staff's safety and well being, having only one member of staff working on the site!.

This has resulted recently in a serious crime being committed!.

#### 1. The prevention of crime and disorder.

This operator's already cavalier approach and poor working practice does not bode well for the petrol station to sell **Alcohol**, and in my opinion the selling of alcohol on this site can only increase the potential for theft, damage to property, assault, shop lifting and driving under the influence of alcohol.

#### 2. Public safety

The selling of alcohol will also lead to increased levels of broken glass and litter, which will encroach on the surrounding area, (the operators currently pay no attention to overgrown bushes and shrubs blocking the public path in Kendal Close) yet another sign that this operator has no regard for the safety of the public at large!

Increased traffic volume onto the site will worsen the **current** peak traffic time problems that exist! (the petrol station does not have a large enough forecourt area to take the volume of traffic wishing to access the site, resulting in traffic flow being disrupted on Grange Road by vehicles waiting on the highway in both directions!) causing increased levels of danger for pedestrians and motorists.

#### 3. The prevention of public nuisance

The selling of alcohol will increase the potential for late night noise, disturbance, attracting the younger element of society, as already mentioned above the site operator already has a cavalier approach in running its business and I am sure there will be little or no attention to selling to under age children!”

### Appendix 1A(xl)

**Representor:** Ms Mary Jackson

**Comments:** Based on the Prevention of Crime and Disorder, Public Nuisance, and the Protection of Children from Harm

“I am writing this letter in response to an application made by the ESSO GARAGE Grange Road Darlington to sell alcohol from the premises.

I reside in the vicinity of this petrol station in a community who work closely with the Police and other agencies to ensure that residents have a good quality of life and therefore I strongly object to this application on the following grounds.

The prevention of Crime and Disorder:

## GRANGE ROAD SERVICE STATION

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The garage has recently been subject to an armed robbery and if alcohol is served there this give the criminals an added incentive to target it and will draw petty criminals into shoplifting alcohol from there.

It also encourages drivers to purchase alcohol while they are there for fuel which in some cases may add to the drink/drive problem.

The Esso Garage often seems to operate on one member of staff and there would struggle to cope with groups of youths congregating outside as they inevitably do when alcohol is for sale at various other retail outlets. Larger retail groups can afford good quality CCTV and sometimes provide adequate security staff to prevent crime occurring. The police prioritise their response to incidents and cannot afford the staff to patrol all the time, especially since the cut backs. So do not need the added burden of a premises with inadequate facilities to cope with holding a license.

Public Safety and Prevention of Public Nuisance:

Anti-social behaviour linked to underage drinkers has been a problem this year particularly in the summer months when large groups of youths have brought alcohol into the area and met up with their associates in the local parks to drink it. This has caused distress to myself and other residents who have to deal with aftermath of broken bottles and litter strewn everywhere, not to mention the disturbance the youths cause during the times they congregate. I have personally cleared litter and glass up in the play area at The Green Park as it was a hazard to young children. Dog walkers also enjoy taking their pets through the parks however the parks as so close to The Esso Garage that it makes then an easy place for drinkers to congregate and leave their empty bottles/cans behind.

Protection of Children and Vulnerable People form Harm:

There are two schools in the vicinity and a hostel for homeless people. If The Esso Garage were to obtain an alcohol license the onus is on parents and local residents to protect these vulnerable people from harm. We do not want to encourage young people in our community to drink alcohol or set those people back who may be trying to get their lives back on track.

If the license is granted it will encourage criminals to commit crime and anti-social behaviour in our area and will add to the problems that I have highlighted in this letter. I am sure that is what we all strive to prevent.

### Appendix 1A(xli)

**Representor:** S and B Dixon Oakdene Avenue Darlington

**Comments:** Based on the Protection of Children from Harm

"I hope it will be possible for our objection to the above application to be considered before a decision is taken, please.

We live in Oakdene Avenue, which is near to the application site. We fear that a grant of such a license would impede the progress towards several objectives of Authorities and Agencies locally. We are particularly concerned over the impact on the pursuit of objectives towards Public Safety, The Prevention of Crime & Disorder, The Protection of Children From Harm and The Prevention of Public Nuisance.

The application site is in an area where, as well as local residents, there is an unusually high concentration of vulnerable people, there are two schools and there are two public parks which naturally already attract visitors from a wide area into locations where they can become vulnerable.

## **GRANGE ROAD SERVICE STATION**

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We hope that, in addition to considering any representations on the matter, you will also be able to examine critically the primary use of these premises, where fuel sales appear to remain high enough to fit the 'primary use' category.

Thank You for giving our comments your attention.

### **Appendix 1A(xlii)**

**Representor:** Mr and Mrs Aisbitt 62 Grange Road Darlington

**Comments:** Based on the Prevention of Crime and Disorder and the Protection of Children from Harm

"We are writing as near neighbours of the above business to object to the application they have resubmitted to sell alcohol. As we are sure you are aware we have had problems over the past few years and recently the premises were subject to an armed robbery. The kiosk is only staffed by a single member of staff.

Whilst we are aware that this petrol station is a Rontec site the management of the kiosk changes repeatedly, we have had approximately 5 new managers in the past few years, leading to inconsistencies in the running of the premises.

We would encourage the council not to permit to grant a licence for alcohol from these premises due to section 176 of the Licensing Act 2003 which prohibits the sale of alcohol from garages where the primary purpose of the premise is the sale of fuel or garage services

Alcohol and driving should never mix and this is a dangerous precedent to set. This is not an isolated rural area where people use the petrol kiosk to shop. We would question whether there is any public demand to the provision of alcohol from what appears to be when we visit predominantly a filling station for the purchase of food.

We question the need for alcohol to be sold in an area and would have grave concerns that the sale may be abused we have within yards of the premises a hostel for homeless young people to which the police are called regularly.

We are also subject to young people congregating in the evening and drinking, travelling between Green Park and South Park, passing the garage on route. We fear the premises may be targeted by people trying to obtain alcohol who are underage.

### **Appendix 1A(xliii)**

**Representor:** Ms Julie Robson

**Comments:** Based on the Prevention of Crime and Disorder and Public Nuisance.

"Hello I would like to make an objection to selling alcohol at Esso Garage;

Firstly I live with my back garden onto blackwell lane (just around the corner from the garage), we often have people congregating on the pathway up blackwell lane and often empty alcohol is left - I'm afraid that this will become even worse. We've also had a neighbour had a recent garden burglary with access via the pathway, where bottles are discarded.

There has recently been an armed robbery at the Esso garage when a lone member of staff present, selling alcohol at the premises will put more workers and customers at risk, as well as residents, and those who work in the vicinity (such as myself).

As stated there is alcohol drunk and left around the corner from the garage currently and also anti social behaviour at parks close by.

Living and working close to the garage I very often hear intoxicated people on an evening / night time and frightened this will increase if alcohol is much more easily accessible.

## **GRANGE ROAD SERVICE STATION**

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Many people (young and old) walk past and near the garage to reach the park and town, there is a risk of groups congregating around the garage to buy and drink alcohol. As well as schools close by.

I would appreciate you considering these points.”

## 6.0 THE IMPACT OF LICENSABLE ACTIVITIES

6.1 **Policy:** When considering whether a licensable activity should be approved the Licensing Authority will, if relevant representations are received, assess the likelihood of it contributing to unacceptable, adverse impact in terms of crime and disorder and public nuisance, in particular to local residents and businesses. Applicants should therefore consider the following when making an application:

- a) The proposed hours and days of operation and how often an activity occurs.
- b) The location of the premises, particularly in relation to residential properties and such places as hospitals, hospices and places of worship.
- c) The number and type of current and future customers.
- d) The means of access and egress to the premises which should have public access on principal pedestrian routes.
- e) The availability of public transport for patrons arriving at and leaving the premises compared to the anticipated level of private transport usage.
- f) The likely effect of car parking demand on both principal roads and residential streets and the impact this may have on local residents and emergency access.
- g) The need for provision of portable toilet facilities outside of the premises.
- h) The cumulative impact of licensed premises within the area and the scope for mitigating such impact.
- i) Waste disposal arrangements including bin storage and the collection and containment of litter from the vicinity of the premises.
- j) Public nuisance caused by unauthorised advertising and fly-posting and, in considering any application from premises which are currently licensed, the Licensing Authority will, if relevant representations are received, take into account any evidence of:
  - a. Past demonstrable adverse impact from the activity, particularly on local residents and businesses; or
  - b. If adverse impact has been caused, that appropriate measures have been agreed and put into place to address any future adverse impact. If measures are to be put into effect or alternatively if there has been insufficient time to assess their usefulness a licence may be granted for a limited period only.

6.2 **Reason:** To achieve the licensing objective of preventing public nuisance. To promote this objective the Licensing Authority, in considering the likelihood of adverse impact, will take into account, among other matters:

- The precise nature of the activity, particularly in terms of entertainment, as this may impact in terms of the age of patrons and their behaviour.
- Noise levels and type of noise, which may be acceptable during daytime hours but may have greater impact at times when ambient noise levels are much lower.
- The impact of patrons arriving, queuing and exiting which should take place on main pedestrian routes rather than through residential areas
- The impact of other sources of nuisance from smells, smoke, refuse storage, vermin and other similar causes of nuisance



NB Where steps can be taken to mitigate adverse impact and such steps are reliable, practical and robust then an activity may be licensed.

### 6.3 Additional Information

The Licensing Authority will focus on matters within the control of the individual licensee and the steps they can take to achieve the licensing objectives. In making its decisions the Licensing Authority accepts the difficulties that licence holders face in preventing anti social behaviour once patrons are beyond the direct control of the licensee. However, the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly behave in an anti social way which impacts on local residents and/or businesses. The Licensing Authority recognises the Council's responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder. The aim of this Policy therefore is to achieve a balanced approach to these difficult issues.

### 6.0 PREVENTION OF NUISANCE

Many parts of this section are directly relevant to the Licensing Objective on the prevention of Crime and Disorder and should be cross-referenced accordingly.

### 8.1 LOCATION OF PREMISES, LICENSING HOURS AND THE PREVENTION OF NUISANCE

**Policy:** The Licensing Authority must strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance, nuisance and loss of amenity to local residents. Consequently, in certain sensitive areas or appropriate cases, the Licensing Authority may, on the receipt of relevant representations, limit the number of licensed premises and/or restrict the hours of operation. Each application will be considered on its merits, having regard to all available evidence including information within the application itself.

**Reason:** This Policy is aimed at the fulfilment of the licensing objective of preventing public nuisance.

### 8.2 ADDITIONAL INFORMATION

When the 2003 Act was first enacted the Government's view was that longer licensing hours should be encouraged in the interests of avoiding a concentration of disturbance while ensuring that nuisance is minimised to local residents. The Government also believed that shops and public houses should generally be permitted to sell alcohol during the hours they intend to open. The Government also wished that entertainment providers should be encouraged to provide a range of entertainment during their operating hours, to promote live music, dancing and theatre for the wider cultural benefit the community.

The Licensing Authority acknowledges this view but also considers that it is self evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 2am than at 11pm.

## 8.3 LOCATION AND IMPACT OF ACTIVITY

**Policy:** The Licensing Authority will normally, on the receipt of relevant representations, encourage a closing time of 11pm for licensed premises in predominantly residential areas. Hours of 12 am and beyond will normally be more appropriate for premises located:

- a. In predominantly commercial areas, such as the Town Centre.
- b. Where there is a high level of accessibility to public transport services.
- c. Where there is an appropriate amount of car parking, readily accessible to the premises.
- d. The operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance.

Later closing times i.e. beyond 2 am will normally be more appropriate where it can be demonstrated that, in addition to the above:

- a. The licensed activities would not be likely to cause adverse impact especially on local occupiers, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it.
- b. There will not be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area.
- c. The activity will not be likely to lead to a demonstrable increase in car parking demand in surrounding residential streets or on roads.

8.4 **Reason:** This part of the Policy dealing with opening hours is based on a broad distinction between the approach to be taken in certain predominantly commercial areas such as parts of the Town Centre and the rest of the Borough.

8.4.1 Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the highway. It may be exacerbated by patrons being noisy when leaving, leaving litter or taking up on-street car parking space needed by residents. The impact of noise generated by these activities, especially patrons departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.

8.4.2 Parts of this Borough are very sensitive to the impact of licensed activities because they are either residential in character or close to residential areas. Many shopping areas are close to residential areas, including housing above commercial premises. The impact of traffic and parking related to licensed premises can be considerable. Even where a majority of patrons arrive on foot or by public transport, the additional parking demand may be significant, especially where there are already a number of licensed premises. The impact may be felt by local residents being prevented from parking close to their homes and by increasing the danger from traffic in residential streets.

8.4.3 Some commercial areas in the Borough, however, particularly the Town Centre may be more suitable locations for licensed activities, especially those with late opening hours or which attract significant numbers of people. In the Town Centre, more patrons are likely to travel by public transport and licensable activities may help bring vitality to the area after normal shopping hours. The ambient noise levels are also likely to be higher in the

evening particularly when compared with residential areas so that additional noise may be less of a problem.

Nevertheless, late at night, the impact of licensed activities is more likely to be objectionable to residents living within or close to a licensed activity. The ambient noise level is lower so that noise disturbance from activities becomes more probable.

#### 8.8 LITTERING

**Policy:** Promotional flyers, advertising leaflets etc should be collected at regular intervals by the licensee or his/her representative and deposited in the premises' own waste bins. At the end of each evening staff should patrol the vicinity, collect all discarded flyers within a 20 metre radius of the premises and deposit them in the premises' own waste bins. Where promotional material is distributed away from the premises concerned the same principle applies, however, at the end of the evening staff must return to the distribution site(s), collect all relevant discarded promotional material and return it to their own premises.

**Reason:** The aim of this Policy is to prevent public nuisance from littering.

#### 9.0 PUBLIC SAFETY

9.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- a) Suitable and sufficient risk assessments.
- b) Effective and responsible management of premises.
- c) Provision of a sufficient number of people employed or engaged to secure the safety of the patrons and the premises.
- d) Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons.
- e) Adoption of best practice guidance (eg Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA).
- f) Provision of effective digital CCTV in and around premises.
- g) Provision of toughened or plastic drinking vessels.
- h) Implementation of crowd management measures.
- i) Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

#### 10.0 CRIME AND DISORDER

**10.1.1 Policy:** The Licensing Authority will expect the applicant to indicate in his operating schedule the steps proposed to prevent crime and disorder on and in the vicinity of their premises and/or events.

**Reason:** Prevention of crime and disorder is both an objective of the Licensing Act 2003 and a responsibility of the Licensing Authority under the Crime and Disorder Act 1998. It is important, therefore, that the applicant be able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective in the operating schedule. The factors that impact on crime and disorder may include:

Underage drinking  
Drunkenness on premises  
Public drunkenness  
Drugs  
Violent behaviour  
Anti-social behaviour

**12.7 OFF SALES**

In accordance with DCMS guidelines the Licensing Authority will not normally seek to limit the hours during which alcohol can be sold for consumption off the premises. The Council does, however, expect that a responsible attitude be adopted in relation to the sale of alcohol to and/or for persons under the age of 18 years. Operating schedules should therefore include the following:

- a. Staff training, particularly in relation to refusal of sales.
- b. Proof of age requirements.
- c. Records of refusal of sales.
- d. Consideration of display of posters advertising the illegality of purchasing alcohol on behalf of persons under 18 years of age.

NB this list is not exclusive

Test purchasing exercises will be undertaken in a partnership arrangement between the Council's Trading Standards Service and South Durham Police. Sales of alcohol to or on behalf of persons under 18 years of age may result in a request to review a licence with a view to revocation.

In addition to the above, the operating schedule should also address issues of anti social behaviour that may give rise to crime and disorder and public nuisance. This is particularly the case in relation to gangs of youths congregating outside of premises. Measures such as CCTV provision, both inside and outside of the premises and additional lighting outside of the premises should be considered to address this problem.

## GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003 (REVISED OCTOBER 2014)

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### PURPOSE

- 1.7 The Guidance is provided to licensing authorities in relation to the carrying out of their functions. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of operators of licensed premises, their legal advisers and the general public. It is a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality.
- 1.8 The police remain key enforcers of licensing law. The Guidance has no binding effect on police officers who, within the terms of their force orders and the law, remain operationally independent. However, the Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

### LEGAL STATUS

- 1.9 Section 4 of the 2003 Act provides that in carrying out its functions a licensing authority must "have regard" to guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent. However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and as long as licensing authorities have properly understood the Guidance they may depart from it if they have reason to do so as long as they are able to provide full reasons. Departure from the guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.
- 1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

### GENERAL PRINCIPLES

- 1.15 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions. It is recommended that licence applicants contact responsible authorities when preparing their operating schedules.

### **LICENCE CONDITIONS – GENERAL PRINCIPLES**

- 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will”, is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
  - must be precise and enforceable;
  - must be unambiguous and clear in what they intend to achieve;
  - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
  - must be tailored to the individual type, location and characteristics of the premises and events concerned;
  - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
  - should not replicate offences set out in the 2003 Act or other legislation;
  - should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
  - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
  - should be written in a prescriptive format.

#### **Each application on its own merits**

- 1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.
- 1.19 Whilst licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation.

### **CRIME AND DISORDER**

- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. 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

### **APPENDIX 1C (cont)**

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.

- 2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. 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.
- 2.7 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. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

### **PUBLIC NUISANCE**

- 2.18 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.
- 2.19 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 is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also 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.
- 2.23 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.

- 2.24 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.

### **PROTECTION OF CHILDREN FROM HARM**

- 2.25 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment.)
- 2.26 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered.

### **GARAGES AND MOTORWAY SERVICE AREAS**

- 5.21 Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas (MSAs) and from premises which are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used as a garage if they are used for one or more of the following:
- the retailing of petrol;
  - the retailing of derv;
  - the sale of motor vehicles; and
  - the maintenance of motor vehicles.
- 5.22 The licensing authority must decide whether or not premises are used primarily as a garage. The accepted approach is based on “intensity of use” to establish “primary use”. For example, if a garage shop in any rural area is used more intensely by customers purchasing other products than by customers purchasing the products or services listed above, it may be eligible to seek authority to sell or supply alcohol.
- 5.23 Where there is insufficient evidence to establish primary use, it is for the licensing authority to decide whether to grant the licence and deal with any issues through enforcement action and it may be able to use its case management powers to enable further evidence to be obtained.



### **APPLICATIONS FOR PREMISES LICENCES**

#### **RESPONSIBLE AUTHORITIES**

8.6 –“responsible authorities”– are public bodies that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence. These representations must still be considered ‘relevant’ by the licensing authority and relate to one or more of the licensing objectives.

#### **OTHER PERSONS**

8.12 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be ‘relevant’, in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous, vexatious and repetitious representations.

8.13 Whilst any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.

#### **DETERMINING APPLICATIONS**

##### **Where representations are made**

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, (see paragraphs 9.4 to 9.10 below) the licensing authority’s discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

**RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS**

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation.

The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

#### **Representations from the Police**

- 9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

#### **CONDITIONS**

- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by a fine of up to £20,000 or up to six months imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

#### **PROPOSED CONDITIONS**

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

#### **CONSISTENCY WITH STEPS DESCRIBED IN OPERATING SCHEDULE**

10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts

#### **IMPOSED CONDITIONS**

10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

#### **Proportionality**

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

**Hours of trading**

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

**LICENSING ACT 2003  
NOTIFICATION OF HEARING  
(Regulations 6 and 7)**

Date of Notification: 18 December 2014

Type of Hearing: Application for Premises Licence

Premises: Grange Road Service Station,  
68-70 Grange Road  
Darlington, DL1 5NP

Hearing Details: 09.00 am Monday 19 January 2015

Location: Darlington Borough Council,  
Town Hall, Darlington,  
DL1 5QT

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Copy of notice sent to	Rontec Watford Ltd	(Applicant)
	Winckworth Sherwood Solicitors	(Applicant's Legal Representative)
	Durham Constabulary	(Responsible Authority)
	Director of Public Health	(Responsible Authority)
	Mr and Mrs McKellar	(Other person)
	Dr and Mr Fox	(Other person)
	Mr and Mrs Crisp	(Other person)
	Mr P. Claxton	(Other person)
	Ms E Allcock	(Other person)
	Mr and Mrs Jones	(Other person)
	Mr B Lumsdon	(Other person)
	Ejaye Moran	(Other person)
	Mr H Stuttard	(Other person)
	Mr P Davison	(Other person)
	Mr and Mrs Les	(Other person)
	Ms S Lay	(Other person)
	Mr and Mrs Alderson	(Other person)
	Mr M Adams	(Other person)
	Mr P A Fawlk	(Other person)
	Ms Y Dixon	(Other person)
	Lesley Barnes	(Other person)
	Ms A Barrigan	(Other person)
	Mr and Mrs Clemo	(Other person)
	Mr and Mrs Marley	(Other person)
	Mr R Morgan	(Other person)
	Ms E Robinson	(Other person)
	Mr S Todd	(Other person)
	Mr G Darby	(Other person)

## **GRANGE ROAD SERVICE STATION**

A F Murray	(Other person)
AA King	(Other person)
P A McCann	(Other person)
Mr and Mrs MacKenie	(Other person)
Clair H Scott	(Other person)
Dr and Mrs MacKinnon	(Other person)
Mr P Caygill	(Other person)
Ms CA Bonnie	(Other person)
Mr D Sharp	(Other person)
Ms K Thursby	(Other person)
Mr D Wilson	(Other person)
Ms M Jackson	(Other person)
S and B Dixon	(Other person)
Mr and Mrs Aisbitt	(Other person)
Ms J Robson	(Other person)
Mr and Mrs Kemp	(Other person)

**Attendance:** All parties may attend this hearing. You may find it useful to be accompanied by your legal representative(s) or any other person who may be able to assist you. Please complete the attached form at **Appendix 2A** and return to the Licensing Section **no later than 12 noon on Monday 12 Dec January 2015**

**Non-attendance:** If you notify the Licensing Authority that you will not be attending this hearing and that you will not be legally represented in your absence, the hearing may proceed in your absence. If you do not notify your non-attendance and then do not attend this hearing the Licensing Sub Committee will decide whether it is in the public interest to adjourn the hearing to enable you to attend or whether to hold the hearing in your absence. If the hearing does proceed in your absence your representations will still be considered.

**Procedure at the Hearing:** You will find attached, at **Appendix 2B**, the procedure that will be followed at the Hearing. The Hearing will take place in public unless it is deemed in the public interest to exclude the public or any party to the Hearing from all or part of the Hearing. If a party is excluded from the Hearing (s)he will be able to provide written information to cover any verbal representations (s)he may have made if (s)he had not been so excluded. The Hearing will take the form of a discussion and each party will be permitted an equal period of time to provide information, make comment and express their views.

**Withdrawal of Representations:** Anyone wishing to withdraw representations should do so as soon as possible. Although this can be done at the Hearing, you are requested, where possible, to give at least 24 hours notice as it may no longer be necessary for the Hearing to proceed.

**Outcome of Hearing:** A decision will be made at the end of the hearing, although this may take some time.

## **GRANGE ROAD SERVICE STATION**

**Points for Clarification:** The Licensing Authority considers that the following matters will need to be clarified by **the Applicant Company** at the Hearing:

- Details of the range of products to be sold in the Petrol Forecourt Station (PFS) particularly, the range of alcohol
- Details of how the PFS will operate – i.e. is there pay at pump provision; is store locked with payment access only from actual forecourt between certain hours.
- Details of the proposed staffing levels, both daytime and evenings.
- Details of the actual number of waste receptacles to be provided

The Licensing Authority considers that the following matters will need to be clarified by Other Persons at the Hearing:

- provide specific details of any incidents of crime and disorder or public nuisance in respect of the current petrol station.



**GRANGE ROAD SERVICE STATION**

APPENDIX 2A



Economic Growth  
Town Hall, Feethams, Darlington DL1 5QT  
Tel: 01325 388799  
Fax: 01325 388555  
Email: [licensing@darlington.gov.uk](mailto:licensing@darlington.gov.uk)

**NOTICE OF ATTENDANCE**

Please complete the following notice in block capitals and return to the address detailed below:

**DATE OF HEARING:** 09.00 am Monday 19 January 2015

**NAME OF PREMISES:** 68-70 Grange Road Services Station  
Darlington, DL1 5NP

**YOUR NAME:** \_\_\_\_\_

I WILL\*  I WILL NOT\*  BE ATTENDING THE HEARING

I WILL\*  I WILL NOT\*  LEGALLY REPRESENTED

**NAME OF LEGAL REPRESENTATIVE (IF APPROPRIATE):**

I DO\*  I DO NOT  CONSIDER A HEARING TO BE NECESSARY

(\*delete as appropriate)

If you wish to be accompanied by any other person please provide details of their name and an outline of what they wish to say and how this will assist you:

**Name**

**Details**

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**Please return to:** Mrs P Ross  
Licensing, Parking, Trading Standards & CCTV Manager  
Darlington Borough Council  
Town Hall  
Feethams  
DARLINGTON  
DL1 5QT

**LICENSING SUB COMMITTEES**

**FULL HEARING PROCEDURE FOR APPLICATIONS FOR PREMISES LICENCES/CLUB PREMISES CERTIFICATES WHERE RELEVANT REPRESENTATIONS HAVE BEEN RECEIVED**

1. The Chair will welcome all parties who are present and introduce the Members. The Chair will explain to the parties at the beginning of a hearing the procedure that it is proposed to follow. The hearing will take the form of a discussion. Cross-examination will not be permitted without the consent of the Chair.

Any Members who know the Applicant or any of the objectors will declare this fact and not take part in the hearing of the application. This is in addition to the declaration of any personal or prejudicial interest.

(NB The Secretariat will endeavour to ensure that Ward Members and Members that are personally known to the Applicant are not included on the Sub Committee).

All hearings will usually be in public. The Sub-Committee may, however, exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

The Licensing Manager will outline the application.

2. **The Representor's Case**

NB: Where representations come from "Other Persons", i.e. local residents or businesses or representatives of such groups, the Sub-Committee will expect that wherever possible a spokesperson be elected to speak on behalf of the group. This person will make the application. At the conclusion of the application the Chair will ask the group if there is any information which is additional to the application made by the spokesperson and if so will permit this information to be given.

- [1] The Representor or his/her representative will give their reasons for objecting to the application.
- [2] The Representor or his/her representative will then call any witnesses and/or give reasons for his/her objection.
- [3] The Applicant or his/her representative may then question the Representor [if he/she has given evidence] and any witnesses.
- [4] The Chair or any member of the Licensing Sub Committee, through the Chair, may ask questions of the Objector and any witnesses.

If several objections have been received and the Representors have not agreed to present their objection jointly, this procedure will normally be repeated for each individual Representor

3. **The Applicant's Case**

- [1] The Applicant or his/her representative presents his/her application for a licence
- [2] The Applicant or his/her representative will then call any witnesses and/or give evidence in support of his/her application.

## **GRANGE ROAD SERVICE STATION**

- [3] The Representors may then question the Applicant if he/she has given evidence and any witnesses.
  - [4] The Chair or any Member of the Licensing Sub-Committee through the Chair will ask questions of the Applicant and any witnesses.
  - [5] The Applicant or his/her representative will then be given a final opportunity of asking any further questions of any witnesses to clear up any points raised in the earlier questioning.
4. The Applicant will be asked by the Chair of the Sub-Committee whether, in the light of the information heard in relation to the application, (s)he wishes to amend the application, as when they retire, Members will consider only the information before them at that time.

If the Applicant wishes to amend the application or indicates that (s)he is prepared for Members to consider an amended application if they are minded to refuse the original application, the Objectors will be given the opportunity to comment on the amended application.

### **5. Closing Statement or Summary**

- [1] **By or on behalf of the Representors** - The Representors may summarise any points they wish to make and comment briefly on the Applicant's replies to questions. They cannot introduce new issues.
- [2] **By or on behalf of the Applicant** - The Applicant will be invited to summarise any points they wish to make and comment briefly on the Representors' replies to questions. They cannot introduce new issues.

### **6. Conclusion**

#### **All decisions will be made in private**

If Members, when considering the application, are minded to grant on a different basis than that requested, the Applicant, the Responsible Authorities and Interested Parties will be asked for their views, which will be taken into consideration.

The Legal Officer will repeat, in summary form, any legal advice given to Members when the public is re-admitted.

If the Licensing Sub-Committee has excluded the public, once a decision has been reached the press and public will be re-admitted to the meeting together with the Applicant, Responsible Authorities and Other Persons. At this stage, the Chair will announce the Sub-Committee's decision, will give reasons for the decision and advise all parties of rights of appeal. The decision will subsequently be formally notified to the Applicant(s), Responsible Authorities and Other Persons in writing, including their rights of appeal as soon as possible after the Hearing.