

## Appendix 2

6<sup>th</sup> January 2023

To Whom it may concern

Durham Constabulary would like to object to the application for a premises licence to be granted under the Licencing Act 2003 for BROTHERHOOD VENTURES LTD 42 DUKE STREET, DARLINGTON, DL3 7AJ under the prevention of Crime and Disorder, protection of children from harm and the prevention of public nuisance.

The applicant has requested the following hours

1. Supply of alcohol Monday to Sunday 00:00hrs - 24:00hrs for consumption off the premises
2. Late night refreshment Monday to Sunday 23:00hrs - 05:00hrs on the premises only
3. Hours the premises are open to the public Monday to Sunday 00:00hrs - 24:00hrs.

The applicant has stated when describing the nature of the business that it will be a hot food takeaway as well as a convenience store and has stated that there is already a premise licence in place for late night refreshments until 4am. They have stated that the nature of the business won't change and will still be a hot food takeaway.

DUKE STREET, DARLINGTON is within the town centre and there are currently 13 licensed premises 12 of which are licensed to sell alcohol with the latest closing time being 2:00am. DUKE STREET is within the footfall of the night-time economy and is currently a mixture of residential and commercial premises, with residents residing in the flats above some of the businesses. The streets surrounding DUKE STREET are all residential and I would argue that this area where the business is located is predominantly residential.

The applicant has applied to be open for 24 hrs and for the supply of alcohol also to be for 24hrs. Due to the hrs applied for, for late night refreshment this also means that hot food and drink could be provided 24hrs a day. Having a business operating 24hrs per day in the area is likely to impact on public nuisance and crime and disorder in an already busy area of the town and I feel this would be in direct opposition to the area's licencing objectives.

Takeaways already operating within Darlington town centre currently close at 3am with only one being licensed up to 4am. The latest alcohol licence is 4am so as a result the transport systems for the night-time economy are geared towards these times and with the introduction of the safety hub and city safe medics the hours, they work are to service the current Night-time economy hours.

24hr opening especially with the provision to access alcohol will hold people in the town later than the systems are set up for, which will have a knock-on effect on crime and disorder and anti-social behaviour (ASB).

The only other premises in DARLINGTON which routinely offers 24hr alcohol sales is a petrol station on HIGH NORTHGATE which does not allow access to the public after 11pm and all sales are through a night safe hatch.

There has been an increase ASB and violent incidents at this location as the demand for alcohol late at night and in the early hours of the morning tends to be for people who have already been out consuming alcohol and want to prolong their evening or problematic drinkers.

The applicant has stated that members of the public will be able to access the shop 24hrs per day to collect the good they have ordered on click and collect and it is a concern to Durham Constabulary the risks associated with this especially when someone intoxicated orders alcohol online for collection and they are refused when they go to collect it. There are no conditions attached to the application which will prevent children from accessing the venue 24hrs per day.

The licence application submitted to Durham Constabulary for us to consider as a responsible authority also requested **on sales** for the provision of late-night refreshment.

The licencing act 2003 schedule 2 details the provision of late-night refreshment and states

*1(1)For the purposes of this Act, a person “provides late night refreshment” if—*

*(a)at any time between the hours of 11.00 p.m. and 5.00 a.m., he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises, or*

*(b)at any time between those hours when members of the public, or a section of the public, are admitted to any premises, he supplies, or holds himself out as willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises*

Should this licence be granted in its current state, members of the public could access the premises 24hrs per day and consume hot food, although the applicant is stating it will remain as a hot food takeaway this option would be available to them

and there are no steps included in the application to promote the licencing objectives to address this.

If the premises as per the application intends to offer late night refreshment and deliveries, then they would need to apply for both on and off sales for the provision of late night refreshment.

This has not been applied for so I question that they will be operating this provision under their current premise licence they have in place for 42 Duke Street ref no DL14/01529/PREMIS which allows members of the public to access the shop until 3am and deliveries until 4am. If this is the case and this licence is granted it will mean that there a 2 premise licences on one location. This is commonly referred to as a shadow licence when a business holds 2 licences and is normally applied for by landlords when they have a tenant in to protect the business and licence should the tenant do anything to jeopardise the licence.

In this case the current licence in place and this new application has been applied for by the same person albeit it a different company name this will make any enforcement very difficult should they not adhere to conditions as they could operate under both licences at any one time.

Durham constabulary have made contact with the applicant's consultant on 19<sup>th</sup> December highlighting our concerns around the 24hr opening and sale of alcohol requested pointing out it was a residential area explaining before we made further comment would they be willing to reduce the hours. To date all we have received back is an email stating that he would speak to the applicant and get back to us, Durham Constabulary have not received any further correspondence.

Durham Constabulary cannot support this application in its current form.

Thankyou

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Safeguarding Neighbourhoods Command  
Durham Constabulary