

## Appendix 6

23<sup>rd</sup> January 2023

Good afternoon Gill

I have looked at your proposal in detail and will address each point in turn

1. This is new premise licence application so therefore must be treated as such, therefore all the licensable activities requested as part of the new application are measured against the promotion of the 4 licensing objectives with consideration to Darlington Borough Council's statement of licensing policy. The terms of the existing licence which allows certain activities does not carry an automatic right to have them on any new application.
2. In relation to the LNR You have stated in the attached document that currently the food take away is open for people coming to the premises to collect in person between 11:00 & 03:00, and for the delivery of the food until 04:00. Under the terms of this compromise, that will remain the same as it is now **but with 1 additional hour** for the delivery of hot food to 05:00.

As per Darlington Borough Council's statement of licensing policy implemented on 1<sup>st</sup> October 2022 point 9.3 the Licensing Authority will normally, on the receipt of relevant representations, encourage a closing time of 11pm for licensed premises in predominantly residential areas. As you will be aware the provision of LNR is regulated primarily because it is often linked to alcohol fuelled crime and disorder and as the applicant is also wanting sale of alcohol until 3am in the shop in addition to LNR there is a likelihood there will be an increase in crime and disorder and public nuisance.

3. In relation to alcohol sales in the area you have stated It is understood that there are businesses with 24-hour alcohol sales in the area, if that is the case why then is this applicant being discriminated against?

I can confirm the only other premises in DARLINGTON which routinely offers 24hr alcohol sales is a petrol station on HIGH NORTHGATE which is some distance from 42 DUKE STREET and does not allow access to the public after 11pm and all sales are through a night safe hatch. The other businesses which currently have 24hr sales are the major supermarkets in the town namely Sainsburys, Morrison's and Asda who only exercise their 24hr licence in the week leading up to Christmas when they are open 24hrs.

There is nowhere in Darlington who offers 24hr alcohol deliveries the major supermarkets only deliver to 11pm at the latest and there are no businesses on uber eats/just eat/Deliveroo who offer 24hr alcohol deliveries.

There are 2 shops currently on Duke Street which offer alcohol sales both of which close at 11pm.

The makeup of Duke Street has significantly changed since the grant of the original license in 2014. As mentioned in my original objection the premise is within a residential area and the premise is situated in what is now a one-way street with no parking outside of the premise. Delivery drivers and taxis must exit Duke Street via residential streets, this wasn't the case when the original license was granted.

I note you state that the applicant has been trading since 2014 however it is my understanding that he was trading as Pizza Hut delivery which subsequently closed in 2016 , following receipt of this application I carried out a site visit and saw that the business name was now spice toss/slice toss which started trading in January 2022, however Durham Constabulary have not received an application to change the premise name.

Due to the applicant wanting both late-night refreshment and sale of alcohol I feel by allowing the hours proposed and those offered as compromise will still undermine the licensing objectives and the risk or public nuisance and likelihood of increased crime and disorder.

I therefore will agree to the sale of alcohol until 11pm and the provision of LNR until 3am with the premise closing at 3am.

Thankyou

Caroline

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