



**CITY OF DURHAM
PARISH COUNCIL**

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20th December 2021

Dear Licensing team,

RE: Application for the grant of a premises licence by Mr Mohammed Asif Shariff for 11 North Road Durham DH1 4SH.

With reference to the above licensing application, the City of Durham Parish Council wishes to object to this application under the objective of preventing public nuisance.

This application seeks permission for the provision of late night refreshment (indoors) Monday to Sunday 11.00pm to 4.00am.

The Parish Council Licensing Committee considered this application at its meeting on 13th December 2021. In reaching its decision, the Parish Council Licensing Committee had regard to the Licensing Act 2003, the Section 182 Guidance and the County Council's Statement of Licensing Policy 2019 to 2024. The Parish Council Licensing Committee feels that, should this application be granted in its current form, it will fail to uphold this important licensing objective.

The prevention of public nuisance is an important licensing objective. Two of the greatest irritations to residents are noise and public nuisance associated with licensed premises. If representations are made, noise and nuisance might preclude the grant of a licence or certificate or, if one has already been granted, could be a ground for review, with a view to the imposition of further conditions or, if the licensing objectives cannot be achieved by such conditions, revocation of the licence or certificate.

When dealing with applications and issuing licences, the Council (when their discretion is engaged) is more likely to impose stricter conditions on premises operating in residential areas.

Proper consideration should therefore be given to the proximity of licensed premises not only to residents and businesses, but also in relation to other sensitive premises, to ensure they are in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives.

This application seeks permission for licensable activities which are outside the Council's adopted Statement of Licensing Policy's (2019-2024) framework hours for this type of premises. The framework at Appendix II clearly sets out terminal hours for the sale of alcohol and the provision of late-night refreshment for different types of premises. For premises licensed primarily for late night refreshment e.g. takeaways, the terminal hours are: 01.00 (weekdays) and 02.00 (weekends). This application should be amended to conform with these hours. The Parish Council is extremely concerned that a takeaway being able to continue up until 04.00am every night will cause a severe disturbance to local residents. This is exceptionally important given that the upper floors of this premises are residential properties.

For the reasons set out above, this application should therefore be refused in its current form.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council