

## LICENSING SUB-COMMITTEE

5<sup>th</sup> November, 2012

**PRESENT** – Councillors Lee, Newall and Thistlethwaite.

(3)

**LS10. ELECTION OF CHAIR – RESOLVED** – Councillor Newall.

**LS11. DECLARATIONS OF INTEREST** – No declarations of interest were made at the meeting.

**LS12. REVIEW OF PREMISES LICENCE** – The Director of Place submitted a report (previously circulated) to consider an application by the Environmental Health Manager to Review a Premises Licence on the grounds of Public Safety and Prevention of Crime and Disorder. The representation was in respect of The Grange, Darlington.

The Manager of Licensing and Car Parks introduced the application and a document was tabled providing details of a map of the area identifying the location and the proximity of the licensed premises.

Members listened carefully to the representations made by the Environmental Health Manager who outlined that the Review was based on the grounds of Public Safety and Crime and Disorder. He explained that the representation reflected that the Licence Holder was permitting smoking to take place on his premises in direct contravention of the smoking legislation and that the smoking shelter provided on the premises is not compliant with the requisite legislation. Reference was also made to a letter from the Director of Public Health, supporting the application for Review on the grounds of Public Safety, expressing concerns at the effect on the health of the public and staff at the premises.

Members also heard that a condition had been agreed by the Environmental Health Manager and the premises owners immediately prior to the Committee hearing. Mr Newton, Solicitor representing the Grange, Mr Storer Designated Premises Supervisor and Mr Shaw the Grange Business Partner were all in attendance.

Members considered the Council's Licensing Policy, the Guidance from the Secretary of State in respect of the Licensing Act 2003 and the prevention of crime and public safety. The Sub-Committee considered the views in accordance with Statutory Instrument 2005 No. 44, The Licensing Act 2003 (Hearings) Regulations 2005, Guidance issued under Section 182 of the Licensing Act 2003, and in accordance with the 'Licensing Sub-Committees – Full Hearing procedure for Applications for Premises Licences/Club Premises Certificate Where Relevant Representations Have Been Received'.

While Members were pleased that a compromise had been reached by way of the agreed condition they expressed their serious concern at the length of time (i.e. a period of over two years) it had taken for this matter to be resolved. They advised that in future the licence holder should work with Environmental Health to resolve any issues. Members considered that this condition was appropriate and proportionate to address the concerns relating to crime and disorder and public safety

**RESOLVED** – That the licence be retained with an additional condition being added as follows:

*Every panel marked with an X on the Meek Steelfab diagram Ref 5.11.12 Hearing will be removed within 14 days, that is, no later than 19 November 2012, to ensure sufficient space to comply with the smoking regulations.*