

## LICENSING SUB-COMMITTEE

28 January, 2013

**PRESENT** – Councillors Lee, J. Vasey and L. Vasey.

(3)

**LS13. ELECTION OF CHAIR – RESOLVED** – Councillor L. Vasey.

**LS14. DECLARATIONS OF INTEREST** – No declarations of interest were made at the meeting.

**LS15. APPLICATION TO VARY A PREMISES LICENCE** – The Director of Place submitted a report (previously circulated) to consider an application to vary a premises licence in the light of representations from two Responsible Authorities on the grounds of the prevention of crime and disorder and the prevention of public nuisance. The representation was in respect of Avalon, Darlington.

The Principal Licensing Officer 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 Durham Constabulary and Environmental Health. Officers from Durham Constabulary explained that the representation was based on the prevention of crime and disorder and the prevention of public nuisance. Concerns were expressed around the occupancy level of 110 which was currently required by condition on the premises licence has already been exceeded twice in December 2012 when Police had visited the premises and that there has not been any offer of a condition in respect of door supervisors to control the occupancy levels. Officers also made specific reference to incidents in September 2012 relating to a mixed age event and drugs found on a person on the premises in December 2012 and a further incident relating to the management of the business.

Environmental Health Manager outlined that the representation was based on the grounds of prevention of Public Nuisance he expressed concern at the likely effect the playing of amplified music in the external areas will have on local residents and also stated that there is insufficient toilet provision.

Ms Hughes, Solicitor representing the applicant, Mr Johnson, the Premise Licence Holder were all in attendance and members listened carefully to the presentation made by the Solicitor and questioned the applicant.

Members considered the Council's Licensing Policy, and 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'.

Members expressed concern about the recent history of incidents at the premise and the behaviour of the management and therefore felt unable to agree with all of the variations applied for. Members discussed the issue of the occupancy levels at length and did not agree with the applicants representation that the figure of 110 only applied to the inside area and felt that this was a matter for the Fire Officer to determine. They also echoed concerns regarding toilet provision and felt that the current provision was inadequate for the proposed occupancy levels. Members welcomed the agreement that has previously been agreed by the applicant and the Environmental Health Manager and hoped that the applicant would continue to work with the Council and Durham Constabulary in the future and specifically when planning outdoor events.

Members expressed grave concerns about the incidents highlighted by the Police and particularly the mixed age event and felt the Guidance on Protection of Children and Young People would benefit the applicant, although, they accepted that he informed the meeting events such as this would not occur in future. Members considered that these conditions were appropriate and proportionate to address the concerns relating to crime and disorder and prevention of public nuisance.

**RESOLVED** – (a) That the licence be granted in part, as follows:

- (i) The terminal hour of all licensable activities inside the premises should be extended to 01.00 hours every day.
  - (ii) That all licensable activities should also be allowed outside the premises until 01.00 hours every day, with the exception of regulated entertainment which will terminate outside at 00.30 hours every day and is further subject to iii) below.
  - (iii) Entertainment shall be permitted outside the premises on the Friday, Saturday and Sunday of a weekend where the Monday constitutes a Bank Holiday plus Christmas Eve, Boxing Day and New Years Eve.
  - (iv) Additionally, entertainment shall be permitted outside the premises on no more than 24 further occasions per year.
  - (v) The Licensing Authority shall be notified seven days in advance as to when these occasions are to take place and there shall be no more than 4 occasions in total in any calendar month.
  - (vi) The maximum occupancy of the premises as a whole i.e. both the inside and outside areas for the premises is to be determined by the Fire Authority and as such the condition restricting maximum occupancy to 110 persons is to remain in place until such a time as the Fire Authority are satisfied it can be altered.
  - (vii) The premises opening hours are to be amended so as to permit the premises to open at 09.00 hours every day for non licensable activities such as the sale of breakfasts, tea, coffee etc and to close at 01:30 hours.
  - (viii) The Members refused to allow an extension of 1 hour to all activities for British Summer Time.
- (b) and that additional conditions be added to the mandatory conditions and conditions already attached to the licence; as follows:
- (i) The Premise Licence Holder shall work with Durham Constabulary to establish a written drugs policy.

- (ii) The conditions contained in the document entitled Guidance on Protection of Young People, which would apply only at under age or mixed age events at the premises
- 1) The Police Licensing Officer, Licensing Authority and Local Safeguarding Children's Board to be notified of any under 18 event at least 28 days in advance of the event.
  - 2) The premises to be covered by colour, digital CCTV which meets the requirements and expectations of the Licensing Authority and Police. The equipment to record whilst the premises are carrying out licensable activities, all recordings retained for a minimum period of 28 days and being made available upon request to the Police or Licensing Authority within a period of 7 days.
  - 3) The operator shall ensure that the premises have sufficient numbers of SIA registered security staff and ensuring that they are employed in the following ratio: 2 for the first 100 customers, one of which being female, 2 for the second 100 customers and 1 for every 100 customers thereafter. At least one member of security staff being employed as a floorwalker and constantly monitoring patrons for evidence of alcohol or drugs and also protecting patrons from unwanted attention or harassment.
  - 4) Ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.
  - 5) Where there is normally a bar, ensuring that alcohol is not on display and is locked away.
  - 6) Ensuring that there is at least 1 hour between the conclusion of the youth event and the venue opening for the commencement of any adult entertainment.
  - 7) Searches on entry, to include all bags, to prevent alcohol and other illegal substances being brought onto the premises.
  - 8) Where alcohol is seized from persons aged under 18 details recorded in a refusals register.
  - 9) Any prior marketing of the event (internet, flyers, posters etc) to make it clear that no alcohol will be sold to under 18's, nobody who appears to be drunk will be allowed admission to the event and searches will take place to ensure that no alcohol is brought into the venue. Permissible ages to be printed in prominent writing on any tickets issued for the event.
  - 10) Ensure a policy is in place for dealing with under 18's who appear to be under the influence of drugs or alcohol which incorporates a duty of care expected to be provided.
  - 11) Toilet checks being carried out at regular intervals and records of such checks retained.
  - 12) First aid provision available at the premises.
  - 13) Ensure a policy is in place to prevent under aged persons leaving and returning to the premises in order to consume alcohol outside.
  - 14) For events held on a Thursday, Friday or Saturday evening a terminal hour of no later than 10.30pm.
  - 15) An area should be designated as a safe space, whereby ill or intoxicated persons, including minors, can be taken to a place of safety for medical treatment or in the case of minors until reunited with a parent, guardian or responsible adult.

- 16) All patrons to be given a secure wristband of different colours, differentiating over 18's from under 18's.
- 17) Only one alcoholic drink to be purchased at any one time by an individual aged over 18 years of age.
- 18) At least 2 SIA registered security staff acting as floorwalkers to constantly monitor patrons aged under 18 years of age for evidence of alcohol or drugs and also to protect patrons from unwanted attention or harassment.
- 19) Children under 16 years of age not being admitted to the event unless accompanied by a responsible adult. Each responsible adult not being responsible for more than 4 such children.
- 20) All drinks being served in plastic or polycarbonate glasses.