

LICENSING SUB-COMMITTEE
31st January, 2007

PRESENT – Councillors Hartley, Maybrey and Nutt. (3)

ALSO IN ATTENDANCE – Councillors Foster and J.C. Vasey.

LS16. ELECTION OF CHAIR – RESOLVED – That Councillor Hartley be appointed Chair for this meeting only.

LS17. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

LS18. REVIEW OF PREMISES LICENCE - The Director of Development and Environment submitted a report (previously circulated) to consider an application by Durham Constabulary to review a Premises Licence in respect of the Soho Restaurant, Darlington.

Mr. Turnbull, Solicitor, Sgt. Kelly and PC. S. Brown, on behalf of Durham Constabulary addressed the meeting and responded to Members' questions and to the 'points for clarification' highlighted in the submitted report. Mr. Metcalfe and Ms. Chen, the Premises Licence Holder as representatives for the Soho Restaurant also addressed the meeting and responded to the 'points of clarification'.

The Licensing and Car Parks Manager made specific reference to an error which had occurred at the time of converting the licence under the Licensing Act 2003 and conditions which were incorrectly applied to the licence issued on 22nd November, 2005.

The Sub-Committee considered the views of the applicant for review in accordance with Guidance issued Under Section 182 of the Licensing Act 2003 (Hearings) Regulations 2005 and in accordance with the "Licensing Sub-Committees – Full Hearing Procedure for Applications for Reviews of Premises Licences/Club Premises Certificates Where Relevant Representations Have Been Received".

RESOLVED – That, giving consideration to the representations made by the Police and the response made by Mr. Metcalfe and Ms. Chen, and in particular concerns at the breaches of the licensing legislation in relation to underage sales of alcohol and, Members decided that to suspend or revoke the licence would not be proportionate and decided therefore to impose stringent conditions. Conditions now attached to the licence, in addition to the two mandatory conditions relating to the sale of alcohol, are as follows :-

- (a) A CCTV system, of a standard that complies with the guidance document "Minimum CCTV Standards within Licensed Premises", issued by Durham Constabulary, is to be installed at the premises and must be in operation at all times when the premises are open to the public. Footage from the system is to be retained for 30 days in accordance with the current version of the guidance document and shall be made available to the Police and Authorised Officers of the Council upon request. Please note that Members have further required that the system be installed no later than 28th February, 2007.

- (b) A Personal Licence Holder must be present at all times when the premises are open for the sale of alcohol. Please note that this new condition will take effect from the 28th February, 2007.
- (c) The Licensee must participate in the Challenge 21 Scheme. A register of refusals of sales of alcohol must be maintained and must be produced to the Police and authorised officers of the Council upon request.
- (d) The Licensee must ensure that all staff are trained in all aspects of the Challenge 21 scheme, and in particular that no sales may be made without the production of appropriate identification of proof of age. Such training must be documented and produced upon request to the Police and authorised officers of the Council.

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