

LICENSING SUB-COMMITTEE

3rd December 2013

PRESENT – Councillors C. Hughes, F. Lawton and L. Vasey. (3)

LS15. ELECTION OF CHAIR – RESOLVED – Councillor L. Vasey.

LS16. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

LS17. APPLICATION TO REVIEW A PREMISES LICENCE – The Director of Place submitted a report (previously circulated) to consider an application from a Responsible Authority (Durham Constabulary) to review a premises licence on the grounds of the prevention of crime and disorder and the protection of children from harm. A representation had also been received from the Director of Public Health on the grounds of protection of children from harm in support of the review. The representations were in respect of The George, Bondgate, Darlington.

Present at the meeting were: - Sergeant (Sgt.) M. Urwin, Police Community Support Officer (PCSO) McAllister, Mr. S. Mooney, Durham Constabulary Solicitor;

Mrs. M. Davidson, Director of Public Health;

Ms. K. Cochrane, Flint Bishop Solicitors, Mr. D. Nicholls, Licence Holder and in support of him, Mr. T. McAllister and Mr. Ingham.

The Licensing Manager introduced the application for review in detail and tabled a document providing details of a map of the area identifying the location and the proximity of other licensed premises.

Members listened carefully to the representations made on behalf of Durham Constabulary in support of the application and also viewed video evidence of three test purchase exercises and this was shown in closed session so that young people under the age of 18 years could not be identified in public. Members also heard evidence from Sgt. Urwin and the Director of Public spoke to her representation as a Responsible Authority and supported the application from Durham Constabulary to revoke the licence on the grounds of protection of children from harm.

Members also carefully considered the representations made by Ms. Cochrane in respect of the efforts made to address the issues of concern at the premises, the proposal to remove Mr. Nicholls as the Designated Premises Supervisor (DPS) and considered all of the written evidence supplied. Members listened to Mr. McAllister who spoke in support of Mr. Nicholls and Mr. Nicholls also responded to Members' questions. Members also gave consideration to the seven letters of support for Mr. Nicholls.

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’.

In reaching their decision, Members firmly believed that the role of the premises licence holder and the DPS carry serious responsibility and required in depth knowledge and appreciation of these roles to ensure that the four licensing objectives were properly promoted and the licensing regime was properly adhered to.

In arriving at their decision, Members were particularly mindful of paragraphs 11.27, 11.28 and 11.30 of the Statutory Guidance.

Members considered removing Mr Nicholls as the DPS given his clear lack of knowledge in respect of the Licensing Act 2003. Members also considered suspending the premises licence until another DPS could be put in place, however they concluded that a change of DPS would not be sufficient or proportionate to ensure that the changes that were needed in order for the premises to operate in compliance with the conditions attached to the licence and to promote the licensing objectives would take place given that Mr Nicholls, as premises licence holder, would have a strong influence over any DPS appointed.

Members concluded that the evidence before them was of such a serious nature that the only appropriate course of action for them to take was to revoke the premises licence.

RESOLVED – That the licence be revoked.

LS18. EXCLUSION OF PUBLIC AND PRESS – RESOLVED – That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the above item when considering the video evidence on the grounds that it involved the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 7 of Part I of Schedule 12A of the Act.