

LICENSING SUB-COMMITTEE

14th May 2014

PRESENT – Councillors L. Haszeldine, Lawton and Newall. (3)

LS22. ELECTION OF CHAIR – RESOLVED – Councillor Newall.

LS23. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

LS24. APPLICATION TO REVIEW A PREMISES LICENCE – The Director of Economic Growth submitted a report (previously circulated) to consider an application to review a Premises Licence in light of representations from a Responsible Authority (Environmental Health) on the ground of Crime and Disorder, Public Safety and the Prevention of Public Nuisance in respect of The Albion, Yarm Road, Darlington.

Present at the meeting were Mr. Wilson, the Designated Premises Supervisor; Mr. S. Todd, Environmental Health Officer and Mr. A. Tanasie, Complainant.

The Licensing Manager introduced the application for a Premises Licence and the Notice of Hearing pertaining to the application.

Members listened carefully to the representations made by the Environmental Health Officer in support of the application and also evidence from a complainant who advised the members that he had personally suffered noise anti social behavior emanating from the Albion. Members also considered representations made by Mr. Wilson in respect of allegations made regarding the management of the premises.

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 gave careful consideration to all the information provided and agreed with the Officer that there were management issues at the premises but also accepted that Mr. Wilson had already taken steps to address these issues. They did not therefore believe that revocation or suspension of the licence, or removal of the Designated Premises Supervisor was an appropriate or proportionate course of action. Members did however determinate to impose 6 conditions on the licence.

In arriving at their decision, Members were particularly mindful of Sections 6.1 to 6.3 of the Council's Licensing Policy in relation to impact of Licensable Activities; Section 8.0 to 8.7.5 in relation to Prevention of Public Nuisance; Section 9.0 to 9.3 in relation to Public Safety; and Section 10 to 10.4 in relation to Prevention of Crime and Disorder. Members also referred to the Secretary of State's Guidance in relation to

the prevention of crime and disorder, public safety, the prevention of public nuisance and the review process.

RESOLVED – (a) That the Licence be retained and the following additional conditions be attached to the licence in addition to the mandatory conditions relating to alcohol:-

(i) That a CCTV system that is compliant with the Durham Constabulary minimum standards document shall be installed and maintained on the premises. This system shall be operational at all times when the premises are open for the sale of alcohol and for a minimum of one hour after the permitted time for this licensable activity. Recordings shall be retained and securely stored for a minimum period of 28 days and shall be produced on request to a Police Officer or an Authorised Officer of the Council.

(ii) That clear and legible signage shall be displayed at each exit requesting that patrons leave quietly and have due regard to local residents. At the close of the premises egress by patrons shall be restricted sole to the Yarm Road exit.

(iii) The Designated Premises Supervisor or his representative shall ensure that patrons do not take drinks outside of the premises unless they are sold for off sales only in a sealed container.

(iv) The Designated Premises Supervisor or his representative shall ensure that the area directly outside each of the premises exits is cleaned at regular intervals throughout the operational hours. A written record of this cleaning shall be maintained and produced on request to an Authorised Officer of the Council.

(v) The Premises Licence Holder shall ensure that training is provided for all new staff and refresher training is provided annually for all staff in respect of the Licensing and Smoking legislation and all other relevant legislation. Such training shall be documented and produced on request to the Police or Authorised Officer of the Council.

(vi) A refusals and incident book shall be kept and maintained on the premises. This must detail all incidents and all refusals of sales of alcohol and shall be produced on request to the Police or an Authorised Officer of the Council.

(b) That the condition on the licence relating to the embedded restrictions/ conditions of the 1964 Act be removed as Members considered this condition to no longer be appropriate or relevant.

LS26. 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.

