

**LICENSING SUB-COMMITTEE**  
**8<sup>th</sup> March 2011**

**PRESENT** – Councillors Hughes, B. Jones and J. Lyonette. (3)

**LS28. ELECTION OF CHAIR – RESOLVED** – Councillor B. Jones.

**LS29. DECLARATIONS OF INTEREST** – No declarations of interest were made at the meeting.

**LS30. APPLICATION FOR A PREMISES LICENCE** – The Director of Place submitted a report (previously circulated) to consider an application to review a Premises Licence in the light of a representation from a Responsible Authority, namely Durham Constabulary on the grounds of crime and disorder and the protection of children from harm. The representations were in respect of Paddy O'Sheas/Club B's.

The Licensing Manager advised this report was originally due to be considered on Wednesday 23 February 2011. On that occasion the Police made an application for an adjournment to permit a key witness to attend the hearing. The Licence holder did not oppose this application and Members granted the application for the adjournment because they considered it necessary in the public interest that in accordance with section 11 of the Licensing Act 2003 (Hearings) Regulations 2005.

Mr Turnbull addressed the meeting on behalf of the Police and Ms Vowells addressed the Sub-Committee as the licence holder and answered Members questions.

Members listened carefully to the representations made by the Police and the licence holder in respect of a draft set of actions and conditions that had been agreed by the Police and the applicant on Friday 4<sup>th</sup> March and which Members were invited to confirm as an appropriate course of action to deal with the concerns raised. Members also considered the Council's Licensing Policy and the Guidance from the Secretary of State in respect of the Licensing Act 2003.

The Sub-Committee considered the views in accordance with Statutory Instrument 2005 No. 44, Guidance issued under Section 182 of the Licensing Act 2003 (Hearings) Regulations 2005 (Revised 2007) 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 making their decision Members expressed grave concerns about the incidents of under age sales. They did however feel that this concern had been to some extent alleviated by the conditions offered in the document submitted to them at the hearing. They also advised that should the problems that the Police had experienced with the management of the premises continue it was likely that the Police would seek a further review of the licence. Members considered the issue of safe guarding of children and young people to be an extremely seriously issue in conjunction with Darlington Children's Trust, the Local Strategic Partnership and the wider Darlington Community. The agreed way forward Members considered was necessary and proportionate to address the concerns relating to crime and disorder and the protection of children from harm.

**RESOLVED –**

- (a) That in accordance with agreement with the Police and the licence holder the current Designated Premises Supervisor (Ms Vowells) be removed from the Premises, and;
- (b) That the agreed conditions detailed below, be added to the current licence in addition to the current conditions on the licence, unless superseded by the following conditions and subject to the following amendments:-
- (i) Condition 3 Temporary staff shall also receive training in respect of these matters prior to commencing employment;
  - (ii) Condition 5 The addition of (v) The CCTV system shall be accessible and secure; and
  - (iii) Condition 9 A copy of this risk assessment, together with a copy of the customer contract for the event must be hand delivered to Darlington Police Office and the Licensing Authority.
- 1) In accordance with a Challenge 25 scheme, all members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 25 years and who is seeking to purchase alcohol in order to prove that they are over the age of 18. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a “PASS” logo.
  - 2) The Premises Licence holder shall ensure that both parts of the premises (marked A and B on the plan attached to the licence) operate a refusals and incident book, which will be kept up to date. The books must record refusals, requests and production of identification and proxy sales. The books shall be available, upon request, for inspection by Durham Constabulary, Trading Standards or the Licensing Authority.
  - 3) The premises licence holder shall ensure that all staff are trained and regularly reminded of their responsibilities in relation to the provisions of the Licensing Act 2003 every 3 months, or upon commencement of employment, in particular with respect to the detection and prevention of all under age sales, including direct sales to under age persons and indirect sales to persons buying for or on behalf of under age persons (proxy sales). Temporary staff shall also receive training in respect of these matters prior to commencing employment.
  - 4) A record of staff training, containing all forms of training, shall be kept at the premises, and be available upon request, for inspection by Durham Constabulary, Trading Standards, or the Licensing Authority. This shall bear the signatures of the person trained, to confirm the training occurred, as well as the person who carried out the training.
  - 5) A CCTV system meeting Durham Constabulary’s minimum CCTV standards shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing Authority and in consultation with the local police. Such a system shall,

- (i) Be operated by properly trained staff,
  - (ii) Be in operation at all times that the premises are being used for a licensable activity,
  - (ii) Ensure coverage of all entrances and exits to the Licensed Premises internally and externally,
  - (iii) Ensure coverage of such other areas as may be required by the Licensing Authority and the local police,
  - (iv) Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (on tape or otherwise) for a period of 31 days, and shall be supplied to the Licensing Authority or a police officer on request.
  - (v) The CCTV system shall be accessible and secure
- 6) A personal licence holder shall be present at all times when that part of the premises referred to as (B) on the attached plan (currently known as Club B's) is being used for a licensable activity.
- 7) A minimum of 3 SIA registered doorstaff shall be employed at all times when that part of the premise referred to as (B) on the attached plan (currently known as Club B) is being used for a licensable activity.
- 8)
  - i) No part of the premises shall be hired out for school or college sixth form parties.
  - ii) All persons attending 18<sup>th</sup> Birthday parties will be age verified according to Challenge 25. Upon age being verified they will be issued with a wrist band which will allow them to purchase 1 drink of alcohol only at any one time. This does not remove the requirement to apply challenge 25 for any sale of alcohol in line with condition 1.
  - iii) The Premises Licence Holder shall ensure that where a person in possession of a wrist band is reasonably suspected of purchasing alcohol by or on behalf of persons under 18 years then that individual will be refused all future sales of alcohol.
  - iv) The first floor bar will be available solely for the supply of soft drinks.
- 9) Any private events, functions or parties held in any part of the premises must be formally risk assessed. A copy of this risk assessment, together with a copy of the customer contract for the event must be hand delivered to Darlington Police Office and the Licensing Authority a minimum of 5 working days before the event, function or party is scheduled to be held.