

LICENSING SUB-COMMITTEE
19th July 2012

PRESENT – Councillors B Jones, Lee and J Lyonette.

(3)

LS4. ELECTION OF CHAIR – RESOLVED – Councillor B. Jones.

LS5. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

LS6. APPLICATION FOR PREMISES LICENCE – The Director of Place submitted a report (previously circulated) to consider an application for a Premises Licence in the light of a representations from interested parties on the grounds of the Prevention of Public Nuisance and the Prevention of Crime and Disorder. The representation was in respect of Osbornes and the Licensing Manager introduced the application in detail.

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 listened carefully to the representations made in support of the application. They also considered the written evidence of those other persons who did not attend the hearing and whose representations were considered relevant, namely Mr and Mrs Ross, Mr Briggs and Ms Thomson, however Members advised that they had attached very little weight to these representations given that Mr and Mrs Ross’s tenant had withdrawn his representation and Mr Briggs and Ms Thomson cited saturation but there is not a cumulative impact policy in Darlington. In addition the point for clarification had been not answered concerning past problems in the area of the premises and there was no evidence to support the assertions that there were such problems.

Members advised that the representation made by Mr and Mrs Jones was also given little weight as they had not responded to requests for information about their location or that of their business and Members could not be satisfied that their representation was relevant or if there would be any impact on them.

The representation made by Mr Storer was declared not relevant as it did not relate to any of the four licensing objectives. The representations made by Mr Clark and Mr Curry were withdrawn when the applicant withdrew the application for live music to be a licensable activity.

After careful consideration, Members decided to grant the application in its entirety (excluding live music which was withdrawn prior to the hearing), subject to the conditions in the operating schedule and those agreed between Osbornes and the Police and Environmental Health which were offered as part of the Operating Schedule. Members also agreed to attach one further condition in respect of the use of door staff as a result of information being provided about the intended use of door staff, although, the applicant advised that they did not wish to offer this as a condition Members believed that this additional condition was necessary to address issues of public nuisance.

RESOLVED – That the application be granted subject to the conditions offered as part of the Operating Schedule. The conditions attached to the licence, which are in addition to the mandatory conditions relating to alcohol and door staff are as follows:

(i) A digital CCTV system complying with Durham Constabulary's Minimum Standards for Licensed Premises will be installed and in operation at all times the premises are being used for licensable activities. It must be operated by properly trained staff. The system shall cover the public entrances and also the fire exits for the premise, in addition to any points of sale and other areas to which the public have access, with particular regard to those areas which may not be visible from the bar area. Recordings must be kept secure where they cannot be tampered with and retained for a period of no less than 31 days. Recordings must be available on request to the Local Authority or Durham Constabulary and be provided within 14 days of any such request

(ii) The Licensee will be responsible for providing regular staff training, to include an understanding of the conditions attached to the premise licence in addition to general licensing law. This training will be provided to all new staff members and refresher training provided on a minimum of a quarterly basis. Such staff training will be recorded in a register to include the signature of the member of staff and the licensee. This register will be available for immediate inspection by the Local Authority or Durham Constabulary upon request.

(iii) Documentation must be displayed advising that a Challenge 21 age verification policy is in operation at the premises and that all individuals who appear to be under the age of 21 will be requested to provide identification before being served alcohol, and that failure to do so will result in the refusal of the sale of alcohol. Identification must bear their photograph, date of birth and a holographic mark that shows they are 18 years of age or over.

(iv) A register will be maintained of any refusals to serve alcohol. This register will be made available for immediate inspection by the Local Authority or Durham Constabulary upon request.

(v) The premise will maintain an incident book to record all instances of violence or disorder, or where persons are requested to leave the venue due to their unacceptable behaviour. This incident book will be signed by a staff member upon each entry and made available for immediate inspection by the Local Authority or Durham Constabulary upon request.

(vi) The capacity of the premises shall not exceed 110. The Licensee shall implement a procedure for monitoring the number of people present in the premises to ensure that the capacity is not exceeded

(vii) The designated premises supervisor or another designated representative of the Applicant Company shall attend and actively participate in the Darlington Pub Watch scheme.

(viii) The Designated Premises supervisor shall undertake sound checks at regular intervals to monitor sound leakage from the building on each occasion when regulated entertainment is taking place. These checks shall be documented and produced to the Police and Authorised Officers of the Council upon request.

(ix) Clear and legible signage shall be prominently displayed at each exit advising customers of the need to leave the premises quietly.

(x) All deliveries shall take place during the hours of 9.00 am and 4 pm.

(xi) The Designated Premises supervisor shall ensure that glassware of any kind is not taken outside of the premises by patrons.

(xii) Children under the age of 16 years shall not be permitted in the premises after 19.00 hours.

(xiii) Young persons between the ages of 16-18 years who are supervised by a responsible adult shall be permitted at the discretion of the Designated Premises supervisor”.

(xiv) A minimum of 2 door staff shall be employed from 9 pm until the close of the premises each Friday and Saturday. At bank holiday weekends this shall extend to include Sundays also.
