

LICENSING SUB-COMMITTEE

18 June, 2013

PRESENT – Councillors L. Haszeldine, B. Jones and L. Vasey. (3)

LS7. ELECTION OF CHAIR – RESOLVED – Councillor L. Vasey.

LS8. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

LS9. APPLICATION TO REVIEW A PREMISES LICENCE – Pursuant to LS3/May/2013 the Director of Place submitted a report (previously circulated) to consider an application from a Responsible Authority (Durham Constabulary) to review a premise licence on the grounds of the Prevention of Crime and Disorder. The representations were in respect of the Slater's Arms Hotel, Darlington.

Mr. Hamer, Solicitor and Mr. Wilson the Premise Licence Holder and Designated Premise Supervisor, together with Mr. Mooney, Force Solicitor, Sgt. Kelly and Sgt. Robson, Durham Constabulary attended the meeting.

Mr. Hamer, in agreement with Durham Constabulary tabled some additional information, namely statements from staff from the Slater's Arms Hotel, a staff training booklet and the Drugs Policy.

The Licensing Manager introduced the application to review in detail and drew Member's attention to the supplementary information (previously circulated).

Members listened carefully to the representations made by Durham Police in support of the application and also viewed two separate DVDs one of which was a compilation of CCTV evidence in respect of incidents at or in the vicinity of the premises on a variety of dates and the other was specific to a drugs related incident on 8 June 2013.

Members also carefully considered the representations made by Mr. Hamer and questioned Mr. Wilson in respect of the efforts made to address the issues of concern at the premises including the provision of staff training and the production of a drugs policy.

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 expressed concern at the nature of the incidents and the very recent incident when Mr. Wilson was on holiday and his brother was left in charge of the premises. Members expressed grave concerns about the poor management of the premises, due to lack of experience and the blurring of roles between Mr. Wilson and his brother. It was noted that there had been a reluctance to join Pubwatch and address the issues previously raised by the Police and felt that Mr. Wilson had had every opportunity to do so.

In reaching their decision, Members firmly believed that Mr Wilson had compromised all four Licensing Objectives and seriously considered revoking the premises licence but believed that the issues of concern could be adequately dealt with by replacing the Designated Premises Supervisor, applying additional conditions and reducing the terminal hour for licensable activities. Members felt that reducing the terminal hour of all licensable activities, was proportionate, appropriate and necessary to do so to promote the prevention of crime and disorder, the prevention of public nuisance and the promotion of public safety, as many of the incidents had occurred after 11.00pm.

Members considered Mr. Wilson had been afforded ample opportunity to discuss the review with his legal representative as he had been aware of the review since 10 April 2013; there had been a 28 day consultation period following this date and the original hearing, which had to be held before 6 June 2013, had been arranged for 30 May 2013 to accommodate his holiday arrangements.

RESOLVED –

(a) That Mr. Wilson be removed as Designated Premises Supervisor (DPS) from the premises.

(b) That the terminal hour for all licensable activities be reduced to 23.00 hours each day of the week.

(c) That in addition to the mandatory conditions relating to alcohol and door staff and in addition to the original licence conditions, the additional five conditions that Mr. Wilson had voluntarily offered be applied to the current premises licence as follows:

1. A colour digital CCTV system which meets the requirements and expectations of the Police and Licensing Authority shall 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 as a minimum cover the public entrance (to facial recognition Standard), in addition to any points of sale and other areas where 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 30 days. The Premises Licence Holder and/or Designated Premises Supervisor must report any technical failures/faults of the CCTV System to Darlington Alcohol Harm Reduction Unit along with details of steps taken to remedy the faults, within 24 hours of the fault occurring. Recordings must be available on request to the Licensing Authority or Durham Constabulary and be provided within 7 days of any such request.

2. The premises shall operate Challenge 21, with a policy in place in accordance with the statutory mandatory conditions providing for such. As part of such a scheme a register of refusals will be maintained and kept up to date. This register will be available for immediate inspection by the Local Authority or Durham Constabulary upon request.

3. On Fridays and Saturdays a minimum of 2 SIA registered door staff shall be deployed from 7pm to the closure of the premise.

4. The premises shall maintain an incident book which will be made available to the

Police, or an authorised officer of the Local Authority, upon request.

5. Staff training will be provided to all new staff and refresher training given a minimum of quarterly, covering such issues as the Challenge 21 Scheme, premises drugs policy, use of refusals register and incident book together with general licensing issues. Such training will be recorded in a training register. The register will be made available to the Police or an authorised officer of the Local Authority upon request.

LS10. 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 CCTV footage 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.