

**LICENSING SUB-COMMITTEE**23<sup>rd</sup> and 24<sup>th</sup> September, 2013**PRESENT** – Councillors L. Haszeldine, B. Jones and Newall.

(3)

**LS11. ELECTION OF CHAIR – RESOLVED** – Councillor B. Jones.**LS12. DECLARATIONS OF INTEREST** – No declarations of interest were made at the meeting.**LS13. APPLICATION TO REVIEW A PREMISE LICENCE** – 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 and the protection of children from harm. The representations were in respect of the Inside Out, Darlington.

Ms. Smith, Barrister, Sgt. Robson, PCSO. McAllister, Inspector Colin Dobson Durham Constabulary attended the meeting.

Mr. Bell, Area Manager Ladhar Leisure and Designated Premises Supervisor for Seen, Mr. Holland, Barrister, Mr. Howe, Phoenix Security UK, Mr. Ladhar, Director, Easteye Limited, Ms. Smith, Sintons Solicitor, Mr. Taylor, Area Manager, Phoenix Security UK and Mr. Vasey, Designated Premises Supervisor, also attended the meeting.

At the start of the hearing, Members were advised by Ms. Smith, appearing on behalf of Durham Constabulary, that the Police wished to amend the reduction of hours they had sought, from 2 am to 2.30 am and also that the Police now sought the removal of the Designated Premises Supervisor (DPS), Mr. Vasey as well as a suspension of the premises licence. Members were also advised to disregard the statement submitted by Inspector Colin Dobson on the basis that it was not relevant specifically to Inside Out.

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 photographic evidence of an alleged assault. They also heard evidence from Sgt. Robson and PCSO McAllister.

Members also carefully considered the representations made by Mr. Holland in respect of the efforts made to address the issues of concern at the premises, considered all of the written evidence supplied and listened to evidence from two representatives of Phoenix Security, from Mr. Vasey, Mr. Bell and Mr. Ladhar.

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 considered that there was some evidence and serious concerns relating to incidents at the premises and felt that they did need to take some action to address the licensing objectives relating to crime and disorder and the protection of children from harm.

In reaching their decision, Members firmly believed that Inside Out had tried hard to rectify the concerns raised by the Police and therefore advised that they did not believe it was necessary or proportionate to revoke or suspend the premises licence based on the information provided about how the business was conducted. Members further advised that while they had considered removing the DPS they did not consider it appropriate to do so as they were satisfied from the evidence of removing unsuitable staff members in the past that Mr Vasey would have been removed, if considered necessary to do so.

Members acknowledged that a good working relationship has been established between the management team and the Police staff working within the Licensing team. Although, Members were disappointed to hear some of the expressions used about the Police on duty outside of the premises being perceived as “stand offish” and suggested that further conversations were required to try and improve relationships.

Members also suggested that the recordings produced by use of Chest Cams by door staff should be revisited to enable consideration being given to requiring the recordings to be continuous rather than switched on and off at will by individual members of the door staff team for obvious reasons.

Finally, Members of the Sub Committee thanked all parties present for the way in which the hearing had been conducted.

**RESOLVED** – That the Licence be retained and the following additional conditions be attached to the licence in addition to the mandatory conditions relating to alcohol and door staff and in addition to the original licence conditions except where they have replaced an original condition. Members believe that it would be appropriate and proportionate to modify the conditions on the premises licence by amending and adding conditions as follows:

1) A CCTV system that is compliant with Durham Constabulary minimum standards document shall be installed in the premises to the satisfaction of Durham Constabulary. This shall be maintained within the premises. Recordings shall be retained for a minimum of 28 days and produced on request to the Police or an Authorised officer of the Council.

Reason: This condition was agreed at the hearing and is to promote the prevention of crime and disorder by ensuring there is full CCTV coverage including coverage of former “blind spots”. Members noted that an undertaking was given to upgrade the current CCTV system within four weeks.

2) A Challenge 25 policy shall be implemented at both points of entry and points of sale of alcohol. This will require approved photographic evidence to be produced by any person who appears to be under the age of 25 years.

Reason: This condition was agreed at the hearing and is to promote the protection of children from harm by ensuring sufficient checks are in place to deter underage sales of alcohol.

3) Registers shall be maintained at both points of entry and points of sale of alcohol with details of all persons refused entry or refused sale of alcohol. These registers shall be produced on request to the Police or Authorised Officer of the Council

Reason: This condition was agreed at the hearing and is to support the previous condition and promote the protection of children from harm by ensuring sufficient checks are in place to deter underage admissions or sales of alcohol.

4) The Premises Licence Holder or designated representative shall ensure that premises specific training is provided to all staff. This shall include training in respect of all conditions attached to the premises licence; training in the premises drugs policy and in general licensing law. Training shall be provided to all new staff members at induction and refresher training provided at least every six months. All training shall be recorded and these records shall be produced on request to the Police or Authorised Officer of the Council

Reason: This condition was agreed at the hearing and is to promote the prevention of crime and disorder and the protection of children from harm by ensuring that all staff are aware of their responsibilities in respect of the Licensing Act 2003.

5) In addition to the door staff required to be employed at the premises on Sundays to Thursdays, the requirement for door staff on Friday and Saturday nights shall be as follows:

2 door staff from 20.00 hours

4 door staff from 22.00 hours

8 door staff (one of whom must be female) from 12 midnight to closure of premises

Reason: This condition is to address the prevention of crime and disorder by ensuring that there is sufficient door staff to deal with any incidents arising from refusals of entry or incidents of crime and disorder within the premises.

**LS14. 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 photographs 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.