

## **LICENSING SUB-COMMITTEE**

5<sup>th</sup> November 2014

**PRESENT** – Councillors Lawton, Nutt and L. Vasey.

(3)

**LS1. ELECTION OF CHAIR – RESOLVED** – That Councillor Nutt be elected Chair for the purposes of this Sub-Committee.

**LS2. DECLARATIONS OF INTEREST** – No declarations of interest were made at the meeting.

**LS3. APPLICATION TO VARY A PREMISES LICENCE** – The Director of Economic Growth submitted a report (previously circulated) to consider an application to vary a premises licence in the light of representations from a Responsible Authority namely Durham Constabulary on the grounds of the Prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm and a representation from an “Other Person” namely Westbrook Residents Association on the grounds of the prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm

Present at the meeting were the applicant Mr. T. Sriskantharajah and his representative, Mr. M. Hall; Sgt C. Dickenson and PCSO M. McAllister, Alcohol Harm Reduction Unit, Durham Constabulary; Pam Ross, Licensing, Parking and Trading Standards Manager; Brian Murray, Licensing Enforcement Officer ; and Amy Wennington, Lawyer (Litigation).

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

Members listened carefully to the representations made by the applicant; Durham Constabulary, including the police information provided at the meeting relating to 222 crimes in the vicinity of the premises but noted that approximately 10 per cent were alcohol related; and the written representation made by Westbrook Resident’s Association and all parties present responded to the points for clarification referred to in the submitted report.

The Sub-Committee considered the views in accordance with Statutory Instrument 2005 No. 44, The Licensing Act 2003 (Hearings) Regulations 2005; Guidance in relation to the prevention of crime and disorder, public nuisance, protection of children from harm, placing of conditions, dealing with representations and guidance relating to shops, stores and supermarkets, 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 believed that the additional conditions were appropriate, necessary and proportionate to promote the four licensing objectives and advised that should there be an increase in crime and disorder or public nuisance as a direct result of the variation to the licence then either the Police or

Westbook Residents Association (or indeed any other Responsible Authority or other person) could seek a review of the licence.

In arriving at their decision, Members were particularly mindful of Sections 6-6.3 of the Council's Licensing Policy in relation to Impact of Licensable Activities; Section 8-8.4 relating to Prevention of Public Nuisance; Section 10-10.4 relating to Prevention of Crime and Disorder (Effect in Vicinity/Personal holder to be on premises); Section 11-11.2.2 in relation to Protection of Children from Harm; and Section 12.7 in relation to Off Sales.

**RESOLVED** – That the application to vary the premises licence be granted subject to the existing conditions and the four additional conditions; in addition to the mandatory conditions relating to alcohol:-

- (i) Staff training will be carried out by the Designated Premises for all new members of staff prior to being allowed to sell alcohol and once per year for all other staff members in relation to the law applicable to the sale of alcohol.
- (ii) Training records will be kept and signed and dated by staff taking part. These will be made available to the Police and Authorised Officers of the Council upon request.
- (iii) An incident, accident book and refusals register will be kept on site and shall document all incidents, accidents and each refusal of sale. These shall be made available to the Police and Authorised Officers of the Council upon request.
- (iv) The Challenge 25 Proof of Age scheme shall be implemented at the premises requiring specific photographic proof of age from any person who attempts to purchase alcohol and appears to be under 25 years of age. Notices shall be displayed within the premises advertising this scheme.
- (v) The current CCTV system shall be maintained in working order and recording whilst the premises are open and being used for licensable activity. The system shall also provide coverage to the front and rear of the premises.
- (vi) CCTV recordings will be kept for a minimum of 28 days. The recordings shall be made available to the Police and Authorised Officers of the Council upon request.
- (vii) A personal licence holder shall be present from 11.00 pm to 02.00 am to authorise all sales of alcohol.
- (viii) A minimum of two members of staff (including the personal licence holder) shall be present to conduct all sales of alcohol between 11.00 pm and 02.00 am.
- (ix) No alcohol shall be sold at a price below the recommended retail price.
- (x) No sale of alcohol shall take place after 11.00 pm until a restricted area has been defined and hatched and is approved, in writing, by officers from the Licensing Section.

