

## LICENSING ACT 2003 SUB-COMMITTEE

9 March 2016

**PRESENT** – Councillors Kane, L. Haszeldine and Nutt.

(3)

**LS23. ELECTION OF CHAIR – RESOLVED** – That Councillor Nutt be elected Chair for the purposes of this Sub-Committee.

**LS24. DECLARATIONS OF INTEREST** – No declarations of interest were made at the meeting.

**LS25. APPLICATION TO VARY A PREMISES LICENCE – SLOANS, GRANGE ROAD** - The Director of Economic Growth submitted a report (previously circulated) to consider an application to vary the premises licence in light of representations from two 'Other Persons', namely other premises licence holders with businesses in the vicinity.

The representations made were in respect of one or more of the four licensing objectives, namely the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm.

Present at the meeting were Mark Arrol, Director of Grange Bars Limited and Paul Durent, Director of Grange Bars Limited; Neil Curry the Premises Licence Holder at Prego; David Storer, the Premises Licence Holder of The Grange Pam Ross, Licensing, Parking, Trading Standards and CCTV Manager; and Helen Thompson, Lawyer (Litigation).

The Licensing, Parking, Trading Standards and CCTV 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 Mr. Curry and Mr. Storer on the grounds of Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance and their concerns regarding door staff at the premises; and the points for clarification in relation to specific details of issues from the premises that would require door staff to be present every Friday and Saturday night; and why the removal of condition 2 requiring two door staff from 9.00 p.m. every Friday and Saturday and the move to a risk assesses basis for door staff would undermine the licensing objectives.

Members also listened carefully to the representations made by the Applicant and the points for clarification in relation to details of issues that will be taken into account as part of the process that will be followed to risk assess the need for door staff on Fridays and Saturdays.

The Sub-Committee considered the views in accordance with the Secretary of State's Guidance in relation to the prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance and dealing with representations; 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'; and Statutory Instrument 2005 No. 44 The Licensing Act 2003 (Hearings) Regulations 2005.

Members considered Section 6.1 of the Council's Licensing Policy in relation to Premises Licences; Sections 7.1-7.3 relating to The Impact of Licensable Activities; Section 9-9.5 relating to the Prevention of Nuisance; Sections 10.1-10.3 in relation to Public Safety; and Sections 11.3-11.5 relating to Steps to be taken by Licensees to address Crime and Disorder Issues.

In arriving at their decision, Members agreed that the conditions were appropriate and proportionate to address any concerns relating to the four licensing objectives and in addition Members accepted the applicants offer to reduce the terminal hour for the sale of alcohol and provision of regulated entertainment on Fridays and Saturdays to 01.00 am. and to reduce the closing hours of the premises on Fridays and Saturdays to 01.30 am.

**RESOLVED** – That the application to vary the Premises Licence be granted subject to the following conditions, which are in addition to mandatory conditions in respect of the sale of alcohol and the use of SIA registered door staff:

- (i) The decision to employ door staff on Friday and Saturday evenings shall be made on a risk assessment basis. When the risk assessment concludes that the door staff shall be required on Friday and/or Saturdays, notification shall be sent in writing to the Licensing Authority 28 days prior to the use of such door staff.
- (ii) A minimum of two door staff shall be employed from 9pm until the end of the close of the premises on the Sunday of each Bank Holiday weekend.
- (iii) A digital CCTV system complying with Durham Constabulary's Minimum Standards for Licensed Premises 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 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.
- (iv) The Licensee shall 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.

- (v) 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.
- (vi) A register shall 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.
- (vii) The premise shall 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.
- (viii) The capacity of the premises shall not exceed that stipulated by the Fire Authority. The Licensee shall implement a procedure for monitoring the number of people present in the premises to ensure that the capacity is not exceeded.
- (ix) The designated premises supervisor or another designated representative of the Applicant Company shall attend and actively participate in the Darlington Pub Watch Scheme.
- (x) Clear and legible signage shall be prominently displayed at each exit advising customers of the need to leave the premises quietly.
- (xi) All deliveries shall take place during the hours of 9.00 am and 4.00 pm.
- (xii) The Designated Premises Supervisor shall ensure that glassware of any kind is not taken outside of the premises by patrons.
- (xiii) Children under the age of 16 years shall not be permitted in the premises after 19.00 hours.
- (xiv) 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.
- (xv) Each day that recorded music and/or dancing takes place a check shall be carried out on an hourly basis to ensure that such entertainment provided within the premises is not audible in Grange Road.
- (xvi) On each day that recorded music and/or dancing takes place a check shall be carried out at 21.00 and 23.00 at any surrounding business that is open to ensure that such entertainment provided at the Applicant Company's premises is not audible in the receptor premise. If such entertainment is

provided prior to 19.00 then additional checks must be carried out at intervals of no greater than two hours.

- (xvii) All checks carried out in accordance with the preceding two conditions shall be recorded in a log book. The information recorded shall include the date, time, person carrying out the check, the results of the check and what remedial action, if any, is taken. The book shall be produced on request to the Police or Authorised officers of the Council.
- (xviii) The applicant Company and/or their staff shall record details of all noise complaints made directly to them in the log book required by condition above. The information recorded shall include the date, time, persons recording the complaint, the details of the complaint and what remedial action, if any, is taken. The log book shall be made available at any time to any Authorised Officer of Darlington Borough Council, the Police and the Fire Service.
- (xix) All windows to the premises shall be kept closed at all times when recorded music and/or dancing is offered.
- (xx) The doors to the premises shall be kept closed at all times when recorded music and/or dancing are offered other than to allow for the ingress and egress of visitors.
- (xxi) The Designated Premises Supervisor shall ensure that patrons who are queuing to gain admission to the premises shall form a queue away from the entry/exit point of Truffle Restaurant.