

THE LICENSING ACT 2003 SUB COMMITTEE
25 JULY 2017

**APPLICATION TO REVIEW PREMISES LICENCE ON THE
GROUNDS OF THE PREVENTION OF CRIME AND DISORDER**

Applicant: DURHAM CONSTABULARY

Premise Licence Holder CAMERONS BREWERY LIMITED
Premises: GROOVE
10 CROWN STREET
DARLINGTON
DL1 1LU

NOTIFICATION TO RESPONSIBLE AUTHORITIES/OTHER PERSONS:

Durham Constabulary has served notice of this application to the following:

The Licence Holder	Licensing Authority
Chief Fire Officer	Planning
Environmental Health	Public Health
Darlington Safeguarding Children Board	Trading Standards

LEGISLATION:

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four Licensing Objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

DESCRIPTION OF PREMISES

When the Premises Licence application was originally made the then Applicant described the premises as follows:

“The Premises are in Darlington Town Centre and are in the course of conversion to an upmarket café bar and public house”

PURPOSE OF REPORT

1. To invite Members to consider an application for a review of the premise licence submitted by Durham Constabulary based on the grounds of the prevention of crime and disorder.
2. Members are requested to consider any appropriate action, which may include the revocation of the licence.

BACKGROUND

3. On 25 July 2006 an application was properly made for a Premises Licence, by a partnership, known as Melsonby Properties, (which was made up of Ms Susan McGee and Ms Lorena McGee) in respect of 10 Crown Street, Darlington, in accordance with Section 17 of the Licensing Act 2003. The application was properly advertised as required by the 2003 Act and one representation was received from a Responsible Authority, namely the Police, on the basis of more information being required in the Operating Schedule. This was addressed through the Applicants' legal representatives and the representation was then withdrawn. The Premises licence was granted from 18 September 2006.
4. On 21 July 2008 an application was made to **transfer** the premises licence from Melsonby Properties to Cameron's Brewery Ltd. The Police, who are the only statutory consultee in respect of such applications, did not make any representation and the transfer was duly granted.
5. On 19 August 2009 a Licensing Enforcement Officer carried out an inspection of the premises and found that the premises were not complying with the premise licence conditions and issued a written warning to the Premise Licence Holder. When the premises were re-inspected on 17 November 2009 they were found to be compliant and no further action was taken.
6. On 15 April 2010 Cameron's submitted an application for a **minor variation** to the premise licence to permit persons under the age of 18 years to be allowed to be on the premises to attend Pre-arranged functions at the premises. The Authority consulted with the police and LSCB about the application. The Police agreed to the variation subject to an additional description of what type of event the condition referred to.
7. On 28 January 2011 a Licensing Enforcement Officer carried out an inspection of the premises and found that the premises were not complying with the premise licence conditions and issued a written warning to the Premise Licence Holder. When the premises were re-inspected on 3 March 2011 they were found to be compliant and no further action was taken.
8. On 15 February 2016 an application was made to **vary** the Designated Premises Supervisor from David Henderson to Graeme Lish. The Police, who are the only statutory consultee in respect of such applications, did not make any representation and the variation was duly granted.
9. On 24th March 2016 an application was made in accordance with Section 34 of the Licensing Act 2003 to **vary** the premises licence to extend the terminal hour for sale of alcohol, provision of entertainment and late night refreshment.
10. On Friday 8 April 2016 a Licensing Enforcement Officer carried out a late night routine visit to the premises and found that the premises were not complying with the premise licence conditions in that when he visited the premises at 21.15 hrs, there were no door supervisors managing members of the public entering the premises and he was able to observe several members of the public enter the premises without checks with regard to identification of any underage patrons or those patrons who may have been unsuitable to be allowed into the premises.

11. The Officer returned to the premises at 21.45 hrs and again noticed that there were no door staff at the entrance of the premises allowing members of the public free and unrestricted access to the premises.
12. At 22.15 hrs the officer once again visited the premises, and found that there were two door supervisors managing entry into the premises.
13. He sent a written warning to the Premise Licence Holder on 15 April 2016 and advised that the premises were operating in breach of their licence in that Condition 3 of Annex 2 to the premise licence required
"A minimum of 2 door supervisors will be employed from 10pm on Friday and Saturday evenings, adding extra if required due to occupancy levels. All other evenings to be at management's discretion".
14. On 19 April 2016 a representation was received from Durham Constabulary in relation to the application detailed at 9 above. The representation was based on grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance.
15. In summary the Police expressed concern at the lack of information contained within the Operating Schedule and also the number of incidents that had occurred at the premises since its re-launch in February 2016 following a refurbishment. Following the representation the applicant withdrew the application.
16. On 2 March 2017 officers from the Police Licensing Unit met with the Premise Licence Holder to discuss concerns around the behaviour of one of the tenants and the day to day management of the premises.
17. During the meeting, CCTV footage was shown to the Premise Licence Holder which depicted three males in the ladies toilets, one of which is concerned with the day to day management of the premises, appearing to take drugs. That person is also shown to be present when other patrons appear to take drugs.
18. On 12 October 2016 an application was made by the Premise Licence Holder in respect of a minor variation to amend a licence condition concerning door supervision. The application sought to amend the requirement for a minimum of two door staff to be on duty at the premises from 8pm on a Friday and Saturday evening to a minimum of two supervisors being on duty at the premises from 10pm on a Friday and Saturday evening, with the provision to add extra door staff if required based on occupancy levels.
19. The Police were the only consultees in relation to this application and following no objection from the police, the licence was duly varied.

APPLICATION TO REVIEW THE PREMISES LICENCE

20. On 12 April 2017, Durham Constabulary made an application to **review** the premises licence on the grounds of prevention of crime and disorder.
21. The grounds for the review were that there was evidence that the premises were operating in a manner that did not promote the licensing objectives. **A copy of the application for review of the premise licence is attached at Appendix 1.**

APPLICATION TO VARY THE DESIGNATED PREMISES SUPERVISOR.

22. On 14 April 2017, an application was made to **vary** the Designated Premises Supervisor from Graeme Lish to Linda Jane Young. The Police, who are the only statutory consultee in respect of such applications, did not make any representation and the variation was duly granted.
23. On 26 June 2017, a further application was made to **vary** the Designated Premises Supervisor from Linda Young back to Graeme Lish.
24. In accordance with section 38 of the Licensing Act 2003, a Premise Licence Holder can specify that the application to vary the licence to specify an individual as premise supervisor has immediate effect, providing the application is duly made in accordance with the provisions of Section 37 of the 03 Act.
25. The Premise Licence Holder indicated that the variation was to have immediate effect and the application was duly made, therefore Graeme Lish is effectively the current Designated Premises Supervisor of Groove. A copy of the current licence as of 28 June 2017 is appended as **Appendix 2**.
26. Section 37(5) of the 03 Act, permits that if the chief officer of police is satisfied that granting the application to vary the Designated Premises Supervisor would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is dissatisfied within a period of 14 days from the date that he is notified of the application.
27. Members are therefore advised that if the Designated Premises Supervisor variation application is ultimately rejected or withdrawn then it will revert to Linda Young.

THE LICENSING POLICY

28. Members are referred to the following relevant sections of the Council's Licensing Policy, which are reproduced at **Appendix 3**.

Section 1.7-1.10	Purpose
Section 1.16 to 1.19	Licence Conditions
Section 2.1 to 2.5	Crime and Disorder
Section 11.1 to 11.28	Reviews

A full copy of the policy will be available at Committee should Members wish to access it.

THE GUIDANCE

29. Members are referred to the Secretary of State's Guidance particularly in relation to crime and disorder, public safety and dealing with representations. A full copy of the revised guidance will be available at your meeting and the **relevant sections of the Guidance are reproduced at Appendix 4**.

ADDITIONAL INFORMATION

30. A map that shows the location of these premises will be produced for Members' attention at the Hearing. In addition, the police will be bringing CCTV evidence to the hearing to support their concerns.

POINTS FOR CLARIFICATION

31. The **Police** have been asked to

- a) provide supporting documentation
- b) provide CCTV footage.
- c) Indicate the current position in relation to the application to vary the Designated Premises Supervisor dated 26 June 2017

MEMBERS' OPTIONS

32. Members may consider the following options:

- a) modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- b) exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- c) remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- d) suspend the licence for a period not exceeding three months;
- e) revoke the licence.

Ian Williams
Director of Economic Growth

Julie Richings ext 6391

APPENDIX 1

Application for the review of a premises licence or a premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capital letters. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Mr M Barton - the Chief Constable of Durham

(Insert name of applicant)

apply for the review of a premises licence under section 51 Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Groove 10 Crown Street Darlington	
Post town Co Durham	Post code (if known) DL1 1LU

Name of premises licence holder or club holding club premises certificate (if known) Cameron's Brewery Limited
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Number of premises licence or club premises certificate (if known) DL16/01581/MINVAR
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Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises ☐
 - b) a body representing persons living in the vicinity of the premises ☐
 - c) a person involved in business in the vicinity of the premises ☐
 - d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒

- 3) a member of the club to which this application relates (please complete (A) ☐ below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev) ☐

Surname

First names

I am 18 years old or over

Please tick yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mr M Barton The Chief Constable of Durham Durham Constabulary Police Headquarters Aykley Heads Durham DH1 5TT
Telephone number (if any) 0345 6060365
E-mail address (optional) rachel.stockdale@durham.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|--|
| 1) the prevention of crime and disorder | <input checked="checked" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Durham Constabulary are applying for a review of the existing premises licence as there is evidence the licenced premises are operating in a manner which does not promote the licensing objectives and it is an appropriate course of action to address concerns relating to the Prevention of Crime and Disorder objectives in the Licensing Act 2003.

The premises are owned by Cameron's Brewery who are the premises licence holders and they subsequently tennant the premises. Following a re-furbishment of the venue it was tennanted to Greame and Gavin LISH and re-launched as BIJOU on 12/02/2016 with the DPS being Greame LISH.

In March 2016 an application was received to extend their opening hrs to 08:00am–04:30am Monday – Sunday to with the sale of alcohol hours being 08:00am – 04:00am Monday – Sunday and the provision of Late night refreshment being from 01:00am – 04:00am Monday – Sunday.

Due to the number of incidents which had occurred in a relatively short time frame and observations by police officers it was apparent the management of the premises fell far below what would be expected, and it was felt the venue need to demonstrate effective running of the current licence before they are granted extended opening times. In view of this Durham Constabulary formally submitted Representations on a Current Application for a Grant/Variation of a Premises Licence or Club Premises Certificate Under the Licensing Act 2003.

Prior to a licencing sub committee hearing Greame LISH formally withdrew his application to extend the hours for the sale of alcohol and late night refreshment.

On 28th November 2016 a letter was received from Camerons advising a name change of the venue from BIJOU to ELIXIR. The DPS remained as Graeme LISH and the venue was still tenanted to Graeme and Gavin LISH.

On 28th February 2017 a letter was received from Camerons advising another name change following another re-furbishment and rebranding to GROOVE. The DPS remained as Graeme LISH and no other information was provided by Camerons to indicate that the tenancy had changed from Graeme and Gavin LISH.

On 2nd March 2017 a meeting was held with Camerons to address the concerns around the behaviour of one of the tenants and the day to day running of the premises. Information had been provided to the police expressing a number of concerns around the premises, some of which were supported and could be evidenced by CCTV footage.

CCTV footage dated Sept 2016 was captured in the 1st floor female toilets and shows three males in what appears to indicate drug usage within the toilets. Persons involved with the premises appear to participate in drug usage, allows and is present when others appear to take drugs. This behaviour clearly does not support or promote the prevention of crime and disorder objective.

On 17th February 2017 a member of doorstaff requested police assistance as he believed 5-6 males were taking drugs in the toilets and on requesting they leave the premises they were abusive to him. On police attendance the manager was spoken to and was happy for the males to remain on the premises and described the member of doorstaff as "jittery"

Following these discussions with Camerons and expressing the police concerns around the premises, Camerons advised a 146 notice had been served to the tenant of GROOVE on 10th March 2017 and Camerons had taken possession of the premises 15th March 2017 at 9.00am.

Following this course of action the police have now been informed by Cameron's, the tenancy for the premises had been renewed with ALBIR Ltd a company set up on 13th January 2017 with a sole director Michael SAUNDERS, the previous tenancy was DCG Limited with Graham and Gavin LISH as directors.

Camerons advise that although Graeme LISH says that he is not a director of the tenant company ALBIR Ltd, he would nonetheless retain a role in management of the tenant company and the public house.

Following transfer of tenancy Graeme LISH has remained as the DPS of premises GROOVE.

Camerons advise Michael SAUNDERS has testified in evidence in ongoing proceedings that Graeme LISH has invested in the tenant's business and therefore presumably has a financial interest both in relation to the tenant company and to any future trading at the public house.

Camerons say that the only people they have ever dealt with previously in relation to the management of the pub have been Graeme and Gavin LISH.

The police requested full details of Michael SAUNDERS from Camerons but have been advised the LISH's solicitors Hay & Kilner are refusing to provide any information.

Camerons proposal to remove Greame LISH as the DPS and the suggestion that Gavin LISH plays no role in the premises do not address the polices concerns. Graeme LISH still retains a role in management of the tenant company and the public house. Although the tenancy has been changed so the LISH's names don't appear Greame LISH appears to still be very much involved with this premises, and retains a financial interest in it.

Our primary concern is to ensure the licensing objectives set out in Section 4 of the Act are met, particularly the prevention of crime and disorder and whilst Camerons have taken some steps to address the police concerns by allowing Greame LISH some involvement in the premises they are undermining and promoting the licencing objectives.

Please provide as much information as possible to support the application
(please read guidance note 2)

As Above

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day

Month

Year

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) DC 2065 Haythornwaite Alcohol Harm Reduction Unit Annand House John Street North Meadowfield	
Post town Durham	Post Code DH7 8RS
Telephone number (if any) 101 ext 754993	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



Licensing

Town Hall, Feethams, Darlington. DL1 5QT

Tel: (01325) 405888

<http://www.darlington.gov.uk>

APPENDIX 2 PART A

Licensing Act 2003 Premise Licence

GROOVE

Premises Licence Number	DL17/00669/VARDPS
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PART 1 – PREMISES DETAILS

Premises Details:	Groove 10 Crown Street, Darlington, DL1 1LU
Telephone number :	01325 465725

Licence effective from:	5 May 2017	Duration of Licence:	Indefinite
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Authorised Licensable Activities:	Authorised Hours
Retail sale of alcohol (for consumption ON AND OFF the premises)	08:00 – 01:00 Monday to Wednesday 08:00 – 02:00 Thursday to Sunday
Regulated Entertainment: Films, Live Music, Recorded Music, Provision of facilities for Making Music, Provision of facilities for Dancing	08:00 – 01:00 Monday to Wednesday 08:00 – 02:00 Thursday to Sunday
Late Night Refreshment:	23:00 – 01:30 Monday to Wednesday 23:00 – 02:00 Thursday to Sunday

Premises Opening Hours:	08:00 - 01:30 Monday to Wednesday 08:00 - 02:30 Thursday to Sunday
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Non-standard/seasonal timings:
The licensable activities specified in this licence will be extended to 02:00 on Bank Holidays, Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day.

PART 2

Premises Licence Holder:	Cameron's Brewery Limited Maingate House Waldon Street Hartlepool, TS24 7QS
Registered Company No:	3571101
Designated Premises Supervisor:	Graeme Lish
Personal Licence No:	LN/000006406
Issuing Authority:	Tyne and Wear Council

Annex 1 Mandatory Conditions:

1. Every Supply of alcohol under the premises licence must be made by or authorised by a person who holds a personal licence.

2. No supply of alcohol may be made under the premises licence:-

- (a) at a time when there is no Designated Premises Supervisor in respect of the premises licence or**
- (b) at a time when the designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.**

3.(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

6. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

9. For the purposes of the condition set out at 8 —

a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V) \text{ where—}$$

i) P is the permitted price,

ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

i) the holder of the premises licence,

ii) the designated premises supervisor (if any) in respect of such a licence, or

iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

“value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

10. Any person acting in the capacity of a Door Supervisor must be registered in accordance with the requirements of the Security Industry Authority.

Annex 2 Conditions consistent with the Operating Schedule and/or converted from the Original Licence(s):

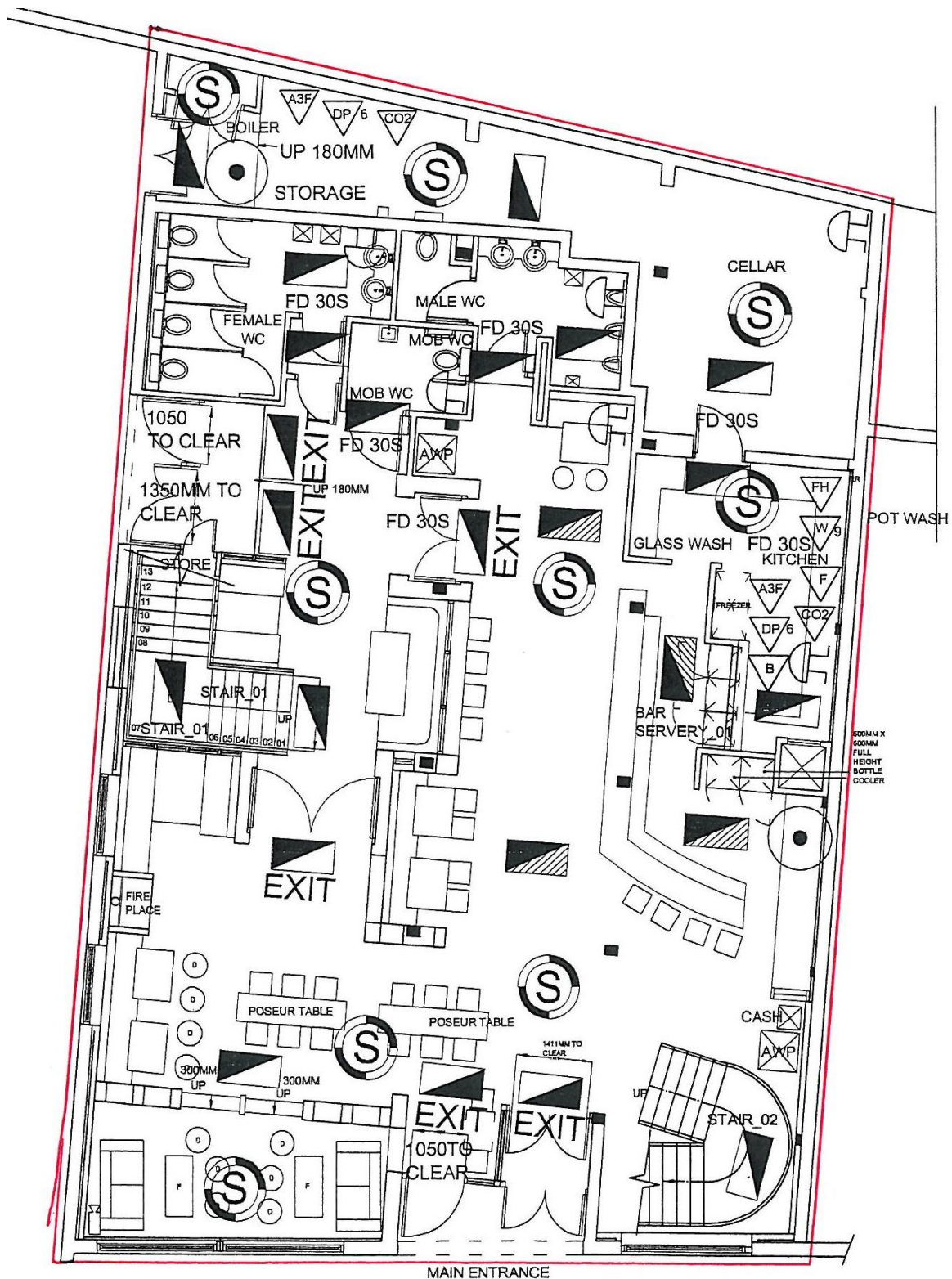
1. All staff will be trained in all aspects of licensing including the 4 licensing objectives and the premises drugs policy. Management checks will be undertaken to ensure that training is implemented. Such training and checks will be documented.
2. A CCTV system, which complies with the Durham Constabulary CCTV guidelines, shall be maintained on the premises. Recordings shall be stored and retained in accordance with the guidelines and produced on request to a Police Officer or an Authorised Officer of the Council.
3. A minimum of 2 door supervisors will be employed from 10pm on Friday and Saturday evenings, adding extra if required due to occupancy levels. All other evenings to be at management's discretion.
4. The maximum number of persons permitted onto the premises (including staff) shall not exceed the figure recommended by the Fire Authority.
5. There will be no irresponsible drinks promotions (e.g. all you can drink for an inclusive fee) designed to encourage excessive drinking.
6. The Designated Premises Supervisor (DPS) or their representative will regularly attend Darlington Pub Watch meetings.
7. The DPS or their representative will maintain regular contact with the Police Licensing unit and will contact the Police if any problems are experienced.
8. The DPS or their representative will carry out daily health and safety checks of the Premises and such checks shall be documented.

9. The DPS or their representative shall designate staff to make regular collections of glassware and undertake regular safety checks of the Premises.
10. Glasses used for serving drinks shall be made of toughened (i.e. tempered) glass.
11. Calming and relaxing music shall be played for the last 30 minutes of the licensing hours.
12. Empty glasses and other waste shall not be disposed of between 10pm and 7am.
13. A Police approved proof of age scheme shall be implemented and clear and legible signage will be prominently displayed advising that any patron who appears to be under the age of 21 years will be required to produce photographic evidence of age.
14. No patron under the age of 18 years shall be admitted onto the premises after 7.00pm, save for those attending pre-arranged functions such as birthday parties, engagement, wedding or retirement celebrations, work functions or anything of a similar nature.

Annex 3 Conditions attached after Licensing Authority Hearing:

None

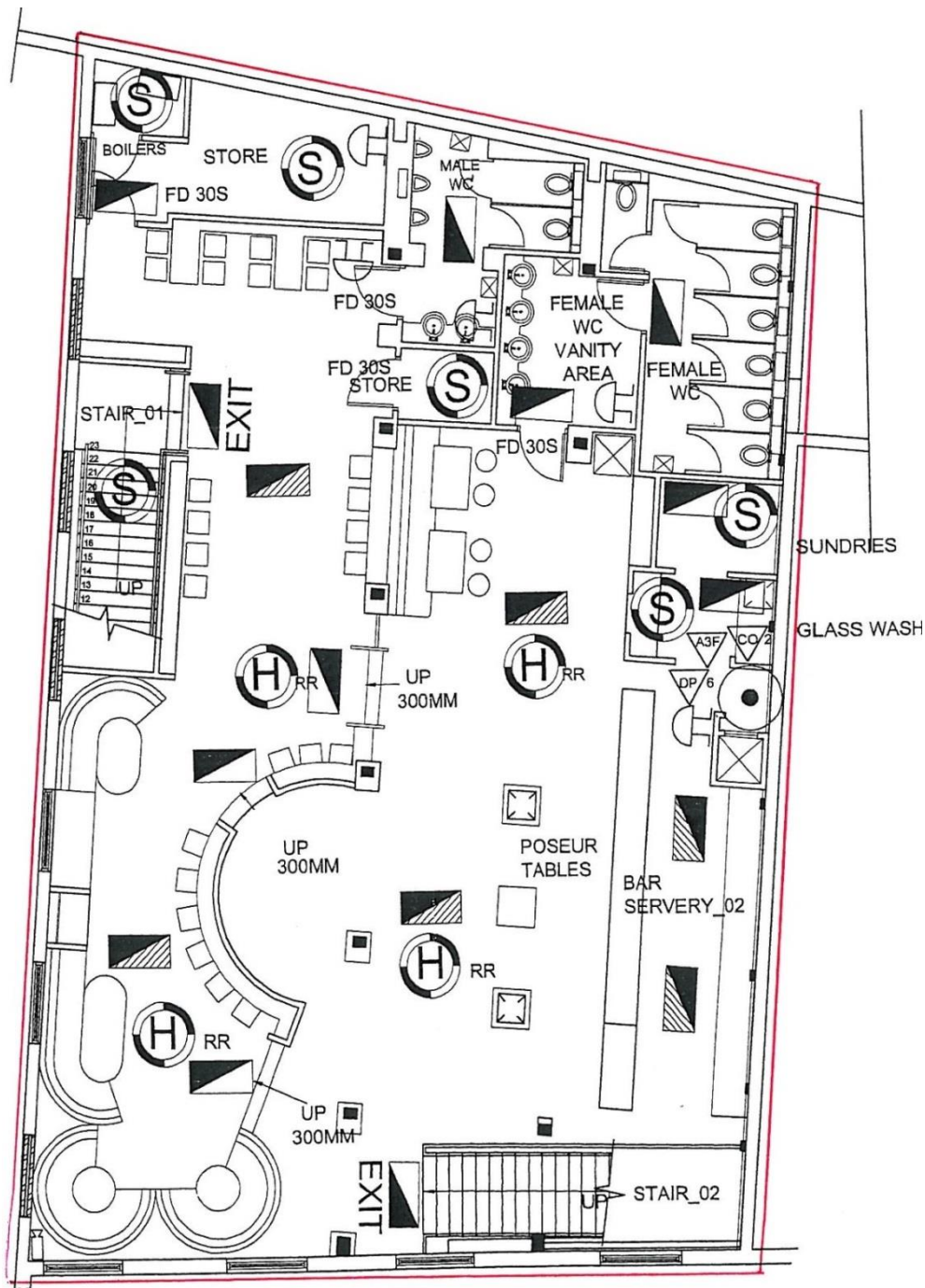
Annex 4 Premise Plan Ground Floor



PROPOSED GROUND FLOOR LAYOUT

Area where licensable activities take place -

Annex 4 - Premise Plan First Floor



PROPOSED FIRST FLOOR LAYOUT

Area where licensable activities take place. —

Issued in accordance with and application to vary the Designated Premises Supervisor.

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Authorised Officer

Date of Issue: 28 June 2017

EXTRACTS FROM DARLINGTON COUNCIL'S LICENSING POLICY (EFFECTIVE FROM 07 JANUARY 2016)

1.2 The Licensing Act 2003 supports a number of other key aims and purposes.

These include:

- a) Providing the Police and the Council with powers to effectively manage and police the night-time economy and take action against any premises that are causing problems;
- b) Protecting local residents and visitors to Darlington from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- c) Recognising the important role which pubs and other licensed premises play in the local economy by reducing, where possible the regulatory burden on businesses and supporting responsible premises;
- d) Providing a regulatory framework for alcohol which enables the Council to make and enforce appropriate decisions about the most appropriate licensing strategies for the borough of Darlington; and
- e) Encouraging greater involvement in licensing decisions by local residents the opportunity in respect of licensing decisions which may affect them.

1.3 In addition this Policy also aims to:

- promote more responsible attitudes to alcohol and responsible drinking;
- raise awareness of the level of alcohol related health problems;
- protect children and residents from the negative impact of alcohol;
- reduce the rate of alcohol related crime and disorder and anti-social behaviour;
- promote a responsible licensed trade;

6.0 PREMISES LICENCES

6.1 **Policy: Applicants for Premises Licences will be expected to address the licensing objectives. It may assist to consider Local Crime Prevention Strategies, Planning and Transportation Policies and Tourism and Cultural Strategies when determining their operating schedule.**

The Licensing Authority will expect the operating schedule to have regard to the nature of the area in which the premises are located, the type of premises, the licensable activities to be provided, the hours of operation, impact on the locality and the needs of the local community.

In this respect the Licensing Authority will expect the applicant to demonstrate how the premises will be a "good neighbour" both to residents and other venues and businesses. The applicant will be required to demonstrate that he/she has satisfactorily addressed each of the licensing objectives as part of any application to vary the operation of the premises.

- The precise nature of the activity, particularly in terms of entertainment, as this may impact in terms of the age of patrons and their behaviour.
- Noise levels and type of noise, which may be acceptable during daytime hours but may have greater impact at times when ambient noise levels are much lower.
- The impact of patrons arriving, queuing and exiting which should take place on main pedestrian routes rather than through residential areas
- The impact of other sources of nuisance from smells, smoke, refuse storage, vermin and other similar causes of nuisance

NB Where steps can be taken to mitigate adverse impact and such steps are reliable, practical and robust then an activity may be licensed.

7.3 Additional Information

The Licensing Authority will focus on matters within the control of the individual licensee and the steps they can take to achieve the licensing objectives. In making its decisions the Licensing Authority accepts the difficulties that licence holders face in preventing anti social behaviour once patrons are beyond the direct control of the licensee. However, the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly behave in an antisocial way which impacts on local residents and/or businesses. The Licensing Authority recognises the Council's responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder. The aim of this Policy therefore is to achieve a balanced approach to these difficult issues.

11.3 Steps to be taken by Licensees to Address Crime and Disorder Issues

Policy: The Licensing Authority will expect the applicant to indicate in his operating schedule the steps proposed to prevent crime and disorder on and in the vicinity of their premises and/or events

Reason: Prevention of crime and disorder is both an objective of the Licensing Act 2003 and a responsibility of the Licensing Authority under the Crime and Disorder Act 1998. It is important, therefore, that the applicant be able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective in the operating schedule. The factors that impact on crime and disorder may include:

- a) Underage drinking.
- b) Drunkenness on premises.
- c) Public drunkenness.
- d) Drugs.
- e) Violent behaviour.
- f) Anti-social behaviour.

11.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- a) Effective and responsible management of premises.
- b) Training and supervision of staff.
- c) Adoption of best practice guidance (eg Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other Voluntary Codes of Practice, including those relating to drinks promotions eg The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA).
- d) Acceptance of accredited means of age identification eg DVLA photo driving licence or 'proof of age' cards.
- e) Provision of effective digital CCTV in and around premises.
- f) Employment of Security Industry Authority licensed door-staff.
- g) Provision of plastic or shatter resistant glasses.
- h) Provision of secure, deposit boxes for confiscated items.
- i) Procedures for assessing risk associated with promotions and events such as "happy hours" for the potential to cause crime and disorder, and plans for minimising such risks.
- j) Measures to prevent the use or supply of illegal drugs.
- k) Employment of licensed door supervisors and other appropriately trained staff.
- l) Installation of non-retrievable bottle bins at exits and ensuring that patrons do not leave with bottles or glasses (on licence sales).
- m) Provision of litterbins and other security measures, such as lighting, outside premises.
- n) Membership of Darlington 'PubWatch' scheme.

11.4 The Licensing Authority will expect the operating plan to include a risk assessment into the use of door-staff, in terms of the actual need for such a service and also the ratio of such personnel to patrons based on capacity of the premises.

11.5 **Policy: The Licensing Authority will normally require a Personal Licence holder to be on the premises at all times when alcohol is being sold.**

Reason: It is important that there is an accountable, responsible person present at all times when alcohol is being sold. This is to ensure that alcohol is not sold to persons who have had too much to drink and to ensure that alcohol is only sold to persons over the age of 18 years. In terms of crime and disorder, there is a need for an identified person with whom the Licensing Authority and Police can discuss any problems/issues arising from the licensable activities offered on the premises.

11.7 **Drugs**

Policy: The Licensing Authority will normally expect all licensees of venues that offer alcohol and entertainment to provide and implement a written drugs Policy. This must be included as part of the operating schedule.

Reason: To further the crime prevention objective and to ensure public safety.

11.7.1 **Additional information:**

The Licensing Authority recognises that drug use is not something that is relevant to all licensed premises. Many entertainment venues can however be popular with drug users and suppliers. The production of a drugs Policy (advice on writing a Policy is available from the Licensing Authority) combined with the effective professional management of a venue will assist in keeping incidents of drug abuse to a minimum. The Licensing Authority will normally expect that all licensees who provide entertainment along with retail alcohol sales will comply with the Home Office Safer Clubbing Guidelines. These include:

- a) The provision of free drinking quality (potable) water in public areas e.g. the bar area and not in toilets.
- b) The installation of a drugs deposit box in all licensed premises providing entertainment beyond 11pm
- c) A drugs register to record confiscated drugs and drugs deposits
- d) Fully qualified first aiders at all premises which provide entertainment beyond 11pm
- e) The provision of cooler, quieter areas for patrons

**GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003
(REVISED APRIL 2017)**

PURPOSE

- 1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 1.8 The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

Legal status

- 1.9 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.
- 1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

Licence conditions – general principles

- 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;

- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Each application on its own merits

- 1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Other relevant legislation

- 1.19 While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation.

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-

social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder.

A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority.

For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.

- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to

address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may

be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

**LICENSING ACT 2003
NOTIFICATION OF HEARING
(Regulations 6 and 7)**

Date of Notification: 30 June 2017

Type of Hearing: Application to Review a Premises Licence

Premises: GROOVE
10 CROWN STREET
DARLINGTON DL1 1LU

Hearing Details: Tuesday 25 July 2017 at 9.30 hours

Location: Darlington Borough Council,
Town Hall, Darlington,
DL1 5QT

Copy of notice sent to: Cameron's Brewery Ltd (Premise Licence Holder)
Durham Constabulary (Responsible Authority)

Attendance: All parties may attend this hearing. You may find it useful to be accompanied by your legal representative(s) or any other person who may be able to assist you. Please complete the attached form at **Appendix 5B** and return to the Licensing Section **no latter than 20 July 2017**

Non-attendance: If you notify the Licensing Authority that you will not be attending this hearing and that you will not be legally represented in your absence, the hearing may proceed in your absence. If you do not notify your non-attendance and then do not attend this hearing the Licensing Sub Committee will decide whether it is in the public interest to adjourn the hearing to enable you to attend or whether to hold the hearing in your absence. If the hearing does proceed in your absence your representations will still be considered.

Procedure at the Hearing: You will find attached, at **Appendix 5C**, the procedure that will be followed at the Hearing. The Hearing will take place in public unless it is deemed in the public interest to exclude the public or any party to the Hearing from all or part of the Hearing. If a party is excluded from the Hearing (s)he will be able to provide written information to cover any verbal representations (s)he may have made if (s)he had not been so excluded. The Hearing will take the form of a discussion and each party will be permitted an equal period of time to provide information, make comment and express their views.

Withdrawal of Representations: Anyone wishing to withdraw representations should do so as soon as possible. Although this can be done at the Hearing, you are requested, where possible, to give at least 24 hours' notice as it may no longer be necessary for the Hearing to proceed.

Outcome of Hearing: A decision will be made at the end of the hearing, although this may take some time.

Points for Clarification:

The Licensing Authority considers that the following matters will need to be clarified by the at the Hearing:

The **Police** have been asked to

- a) provide supporting documentation
- b) provide CCTV footage
- c) Indicate the current position in relation to the application to vary the Designated Premises Supervisor dated 26 June 2017

d) APPENDIX 5B



Public Protection Division
Service of Place
Block D, Town Hall
Darlington DL1 5RQT
Tel: 01325 405888
Email: licensing@darlington.gov.uk

**NOTICE OF ATTENDANCE
APPLICATION FOR REVIEW OF PREMISE LICENCE**

Please complete the following notice in block capitals and return to the address detailed below:

DATE OF HEARING: Tuesday 25 July 2017 at 09:30 hours

NAME OF PREMISES: GROOVE
10 CROWN STREET
DARLINGTON DL1 1LU

YOUR NAME:

I will* ☐ will not* ☐ be attending the meeting

I will* ☐ will not* ☐ be legally represented

**NAME OF LEGAL
REPRESENTATIVE**
(IF APPROPRIATE):

(*please ✓ where appropriate)

If you wish to be accompanied by any other person please provide details of their name and an outline of what they wish to say and how this will assist you:

Name:

Details:

Please return to:

Licensing
Darlington Borough Council
Block D, Town Hall
Feethams
DARLINGTON
DL1 5QT

LICENSING SUB COMMITTEES

FULL HEARING PROCEDURE FOR APPLICATIONS FOR REVIEWS OF PREMISES LICENCES/CLUB PREMISES CERTIFICATES WHERE RELEVANT REPRESENTATIONS HAVE BEEN RECEIVED

1. The Chair will welcome all parties who are present and introduce the Members. The Chair will explain to the parties at the beginning of a hearing the procedure that it is proposed to follow. The hearing will take the form of a discussion. Cross-examination will not be permitted without the consent of the Chair.

Any Members who know the Premises Licence holder or any of the objectors will declare this fact and not take part in the hearing of the application. This is in addition to the declaration of any personal or prejudicial interest.

(NB. The Secretariat will endeavour to ensure that Ward Members and Members that are personally known to the applicant are not included on the Sub Committee.)

All hearings will usually be in public. The Sub Committee may however exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

The Licensing Manager will outline the application.

2. **The Application for the Review**

NB: Where the application comes from Interested Parties, i.e. local residents or businesses within the vicinity of the premises, the Sub Committee will expect that wherever possible a spokesperson be elected to speak on behalf of the group. This person will make the application. At the conclusion of the application the Chair will ask the group if there is any information which is additional to the application made by the spokesperson and if so will permit this information to be given.

- [1] The Applicant for the review or their representative will give their reasons for making the application.
- [2] The Applicant for the review or their representative will then call any witnesses and/or give reasons for their objection.
- [3] The Premises Licence Holder or his/her representative may then question the Applicant for the review [if they have given evidence] and any witnesses.
- [4] The Chair or any member of the Licensing Sub Committee, through the Chair, may ask questions of the Applicant for the Review and any witnesses.

If several applications/representations have been received and the Applicants for the Review have not agreed to present the case jointly, this procedure will normally be repeated for each individual Applicant.

3. **The Premise Licence holder's (PLH) Case**

- [1] The PLH or their representative presents their response to the application for review.
- [2] The PLH or their representative will then call any witnesses and/or give evidence in support of his/her response.
- [3] The Applicant(s) for the Review may then question the PLH if they have given evidence] and any witnesses.
- [4] The Chair or any Member of the Licensing Sub Committee through the Chair will ask questions of the PLH and any witnesses.
- [5] The PLH or their representative will then be given a final opportunity of asking any further questions of any witnesses to clear up any points raised in the earlier questioning.

4. The PLH will be asked by the Chair of the Sub Committee whether, in the light of the information heard in relation to the review, they wish to amend the operating schedule, change the designated premises supervisor (Premises Licences only) or offer additional conditions, as when they retire, Members will consider only the information before them at that time.

If the PLH wishes to amend the operating schedule, change the designated premises supervisor (Premises Licences only) or offer additional conditions the Applicant(s) for the Review will be given the opportunity to comment on the proposal.

5. **Closing Statement or Summary**

- [1] **By or on behalf of the Applicant(s) for the Review.** The Applicant(s) for the review may summarise any points they wish to make and comment briefly on the Applicant's replies to questions. They cannot introduce new issues.
- [2] **By or on behalf of the PLH.** The PLH will be invited to summarise any points they wish to make and comment briefly on the Applicant for the Review's replies to questions. They cannot introduce new issues

6. **Conclusion**

All decisions will be made in private.

The Legal Officer will repeat, in summary form, any legal advice given to Members when the public is re-admitted.

Once a decision has been reached, the press and public will be re-admitted to the meeting together with the Premises Licence Holder, Responsible Authorities and Other Persons. At this stage, the Chair will announce the Sub Committee's decision, will give reasons for the decision and advise all parties of rights of appeal. The decision will subsequently be formally notified to the Applicant(s), Responsible Authorities and Other Persons in writing, including their rights of appeal as soon as possible after the Hearing.