

## LICENSING ACT 2003 SUB-COMMITTEE

12 August 2015

**PRESENT** – Councillors C. Hughes, B. Jones and Kane. (3)

**LS7. ELECTION OF CHAIR – RESOLVED** – That Councillor Kane be elected Chair for the purposes of this Sub-Committee.

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

**LS9. APPLICATION FOR A PREMISES LICENCE – TIKI SHACK, 108 VICTORIA ROAD** - The Director of Economic Growth submitted a report (previously circulated) to consider an application for a premises licence in the light of representations from three ‘Other Persons’, namely local residents on the grounds of the prevention of crime and disorder.

Present at the meeting were the applicant Ms Tara Horrors, Tiki Shack accompanied by Gemma Horrors; Pam Ross, Licensing and Car Parks Manager; and Helen Thompson, Lawyer (Litigation).

The Licensing and Car Parks Manager introduced the application for a Premises Licence and the Notice of Hearing pertaining to the application.

Members listened carefully to the representations made by the applicant pertaining to the application for the sale of alcohol (for consumption Off the premises) between the hours of 16.00 and 01:00 Monday to Thursday; 16:00 to 02:00 Friday, 14:00 to 02:00 Saturday and 14:00 to 01:00 Sunday; regulated entertainment for late Night Refreshment between the hours of 23:00 and 01:00 Sunday to Thursday and between the hours of 23:00 to 02:00 Friday and Saturday; premises opening hours 11:00 to 01:00 Monday to Thursday, 11:00 to 02:00 Friday and Saturday and 14:00 to 01:00 Sunday; and non-standard/seasonal timings for the sale of alcohol on Bank Holiday weekends: 16:00 to 02:00 on Sundays and 14:00 to 01:00 on Mondays and late night refreshment between the hours of 23:00 to 02:00 on Sundays.

Representations had been received from Mr I Verrill, a local businessman; Ms S Martin; and Ms S Lerigo, all based on the prevention of crime and disorder. Although the three ‘Other Persons’ did not attend the meeting, Members carefully considered their written representations.

The Sub-Committee considered the views in accordance with Statutory Instrument 2005 No. 44, The Licensing Act 2003 (Hearings) Regulations 2005; and the Secretary of State’s Guidance in relation to the prevention of public nuisance; and 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 arriving at their decision, Members were particularly mindful of Sections 6.1-6.3 of the Council’s Licensing Policy in relation to Public Nuisance and the impact of

licensable activities referenced to Crime and Disorder; section 10-10.4 in relation to Crime and Disorder and control measures and personal licence holders; Section 12.7 relating to Off licences; and Section 12.8 relating to Late Night Refreshment Houses.

In reaching their decision, Members decided to grant the application subject to conditions in addition to the mandatory conditions for the sale of alcohol.

The Members felt that the conditions applied to the licence were appropriate and proportionate to address the four Licensing Objectives and did not feel that it was appropriate to impose a condition relating to child sexual exploitation training as the Members were reassured that staff will be made aware of such issues.

**RESOLVED** – The application be granted subject to the following conditions which are in addition to the mandatory conditions attached to the licence for the sale of alcohol. The licence conditions are detailed below:

1. Alcohol sales over the counter at the premises shall cease at 23:30.
2. A Challenge 25 scheme shall be advertised and implemented at the premises.
3. All staff shall be trained in respect of: The requirements of and their responsibilities under the Licensing Act 2003; the contents and requirements of the premises licence; and the requirements of Challenge 25 including the use of identification checks.  
This training shall be documented and the records produced on request to Authorised Officers of the Licensing Authority or the Police.
4. A refusals log and an incident book shall be maintained at the premises and shall be produced on request to Authorised Officers of the Licensing Authority or the Police.
5. All staff shall be advised of their duties under the licensing legislation in writing before they are permitted to sell alcohol.
6. Staff training in conflict management shall be provided to enable staff to deal with difficult situations and reduce crime and disorder at the premises.
7. Staff shall be trained to identify suspicious behaviour in and around the premises and either log or report the incidents to the police. All criminal incidents witnessed by a member of staff shall be reported to the police.
8. A CCTV system approved by Durham Constabulary shall be operational at all times when the premises are open for licensable activities and in partial operation at all other times. Recordings shall be retained securely for a minimum of 30 days and produced on request to Authorised Offices of the Licensing Authority or the Police.
9. Posters advertising the use of CCTV and crime prevention policies shall be on display inside and outside facing in the windows.

10. All Alcohol shall be displayed behind a 4ft high counter spanning the entire width of the customer area and shall be supervised constantly during opening hours.
11. Lockable display units shall be used to prevent alcohol being sold out of permitted hours.
12. Alcohol shall not be advertised as a primary selling point of Tiki Shack and minimal displays/posters will be on show promoting the sale of Alcohol.
13. Alcohol shall only be delivered to registered addresses and only when the order has been pre-paid by debit/credit card. Photographic ID shall be required to be produced, along with the stated debit/credit card, to the member of delivery staff; (who shall be an employee of Tiki Shack and NOT an independent or self-employed delivery driver).
14. On arrival at a registered delivery premises if staff suspect that the alcohol is being purchased for or on the behalf of any persons under 18, they shall return the alcohol order to Tiki Shack and offer a refund to the customer. A note will be taken of the address and customer and caution will be taken when dealing with these customers in the future.
15. Food and alcohol shall not be permitted to be consumed on the premises at any time.
16. All food and drink shall be packaged and wrapped securely to discourage consumption on the streets.
17. Notices shall be displayed at the exit asking patrons to leave quietly and respect neighbouring properties.
18. A log book shall be kept at the premises detailing all inspections made in respect of statutory health and safety requirements and produced on request of authorised officers of the Licensing Authority and the Fire Authority.
19. Locked commercial bins shall be used for both general and recycled waste to the rear of the property, kept off the street and out of public view. These bins shall be used for all waste created by Tiki Shack, including any customer waste left inside or directly outside the premises and shall be emptied weekly.