

LICENSING SUB-COMMITTEE

30 May, 2013

PRESENT – Councillors L. Haszeldine, B. Jones and L. Vasey. (3)

LS1. ELECTION OF CHAIR – RESOLVED – Councillor L. Vasey.

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

LS3. APPLICATION TO REVIEW A PREMISES 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. The representations were in respect of the Slater's Arms Hotel, Darlington.

Mr Ablett, Solicitor and Mr. Wilson the Premise Licence Holder and Designated Premise Supervisor, together with Mr. Mooney, Force Solicitor and Sgt. Robson, Durham Constabulary attended the meeting.

The Legal Adviser to the Sub-Committee reported that the licence holder's Solicitor had made it known in advance of the hearing that he wished to request an adjournment. Mr. Ablett made his request, as the instructing solicitor was unavailable due to another court commitment, and advised that he was unfamiliar with licensing legislation. Mr. Ablett added that the licence holder had evidence upon which he wished to rely and which had not been served on either the Licensing Authority or the Police.

The legal representative for the Police advised that he did not oppose the adjournment and that the Police too had CCTV evidence which they had not served on either the Licensing Authority or the Premise Licence Holder. It was also advised that the witness, Sgt Tim Kelly, was unavailable due to medical reasons and further advised that there had not been any further incidents of concern at the premises that they were aware of since mid- March 2013.

In reaching their decision, Members gave consideration to the request made by both parties and noted that the Police had advised that there had not been any further incidents and therefore they did not object to the application for an adjournment. Members took into account Regulation 11 and 12 of the Licensing Act 2003 (Hearings) Regulations 2005.

RESOLVED – That in accordance with Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005, the application for adjournment be granted, for the following reasons:-

- a) The Sub-Committee considered an adjournment to be necessary to consider additional representations made by both parties; this includes CCTV evidence and any other documents, which are to be served no later than 6th June on all parties.
- b) To enable the licence holder to have his chosen legal representative to attend, however if Mr Hamer, as that representative, is unable to attend then a suitably

briefed colleague should attend in his place. This will also allow the Police to have a replacement Officer brought up to speed if Sgt. Kelly is still unable to attend.

- c) Members were also aware of the Police comments in Paragraph 15, Page 10 of the submitted report regarding Public Safety but felt reassured by the Police, as they did not object to the application for adjournment due to the lack of recent incidents.

The adjourned hearing will commence at 9.00am on Tuesday 18th June 2013.