

LICENSING ACT 2003 SUB COMMITTEE

Wednesday, 27 December 2023

PRESENT – Councillors Kane, Lawley and Robinson.

OFFICERS IN ATTENDANCE – Colin Dobson (Licensing Manager), Bethany Symonds (Lawyer) and Shirley Wright (Democratic Manager).

LS19 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

RESOLVED - That Councillor Kane be elected Chair for the purpose of this meeting.

LS20 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LS21 APPLICATION FOR TEMPORARY EVENT NOTICE (TEN)

The Director of Group Services submitted a report (previously circulated) which invited Members to consider representations from Durham Constabulary in relation to an application for a Temporary Event Notice (TEN), properly made by the applicant Lewis Metcalfe of The Old Dun Cow, Darlington in accordance with Section 100 of the Licensing Act 2003, for the sale by retail of alcohol on the premises, and the provision of regulated entertainment.

Also present at the meeting were Sergeant Caroline Dickenson, Durham Constabulary, and Steven Tait, Designated Premises Supervisor, The Old Dun Cow.

The Licensing Manager introduced the application for a TEN, and highlighted that The Old Dun Cow currently held a premises licence for the sale of alcohol and provision of regulated entertainment with a number of conditions attached. This licence, along with the conditions was appended to the submitted report. It was stated that licensable activities were permitted each Sunday between 11:00 and 23:30, however that there was no provision on this licence for hours to be extended on New Years Eve, which was on a Sunday this year. If granted, the TEN would permit activity on the premises between 23:30 and 4:00 the following day, without any conditions in place.

Members listened carefully to the representations made by Sergeant Caroline Dickenson, Durham Constabulary, who expressed concern that holding this event would undermine the crime and disorder, public safety and public nuisance objectives of the Licensing Act. It was highlighted that New Year's Eve was one of the most challenging nights of the year for all the emergency services and was synonymous with high levels of intoxication, along with drink fuelled violence. Sergeant Dickenson argued that any lengthening of the licencing hours over this period would add greatly to the potential for crime and disorder in the town centre.

It was noted that the applicant had responded to the concerns expressed by Durham Constabulary by offering to amend the closing time from 4:00 to 2:00, and stated that all the conditions of their licence would be upheld, however Members were advised that this offer was not legally binding as there was no authority to impose these conditions, and that

conditions may only be imposed by the licensing authority. Sergeant Caroline Dickenson advised that Durham Constabulary believed that a closing time of 2:00, with the conditions of the existing Premises License imposed, would be manageable as this would be in line with existing arrangements for other premises within the town centre.

Mr. Tait, Designated Premises Supervisor, stated that there had been no issues reported in relation to the 2:00 closure on Boxing Day, and that the premises would abide by the conditions of their licence for the duration of the Notice on New Year's Eve.

After careful consideration, Members agreed that the TEN be granted between the hours of 23:30 and 2:00, with the existing Premises Licence conditions imposed. Members considered that these steps were appropriate to prevent crime and disorder and public nuisance, and ensure public safety.

RESOLVED – That the Temporary Event Notice (TEN) be granted between the hours of 23:30 and 2:00, with the existing Premises Licence conditions imposed.