

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Tuesday 17 July 2012 at 10.00 am**

Present:

Councillor C Carr (Chair)

Members of the Committee:

Councillors B Arthur, B Graham and J Hunter

Apologies:

An apology for absence was received from Councillor M Williams

Also Present:

Y Raine – Acting Team Leader – Licensing (Licensing Officer)

G Proud – Legal Officer, DCC

Sgt T Robson – Durham Constabulary

J Lincoln – Durham Constabulary

1 Declarations of Interest

There were no declarations of interest received.

2 Minutes

The Minutes of the meetings held on 24 May 2012, and 19 and 25 June 2012 were confirmed as a correct record and were signed by the Chair.

3 Application for the Grant of a Premises Licence - Royal British Legion Club, Macmillan Road, Newton Aycliffe

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for a Premises Licence in respect of the Royal British Legion Club, Newton Aycliffe (for copy see file of Minutes).

Additional information provided by the Applicant and the Police in relation to the CCTV system had also been circulated to all parties in advance of the hearing.

During the Officer's presentation, a Member asked if the premises were situated near to residential properties. Sgt Robson confirmed that the Club was located very close to a number of houses and a busy nightclub. Members were showed a picture of the location.

Members also asked to view the Club Premises Certificate and noted that the Club had asked to increase the hours of operation for each of the licensable activities. The Licensing Officer stated that the Premises Licence would be used for functions where the public could attend and that this was a stand alone licence from the Club Premises Certificate. It was not unusual for the hours on a Club Premises Certificate to differ from those specified on the Premises Licence.

It was noted that the Applicant was not in attendance.

Sgt Robson addressed the Sub-Committee stating that the Police accepted the extension to the hours, however their main concern was that the Premises Licence would bring people from outside the area and non-members for functions. This could result in a large number of people on the premises, in addition to the current alleged 1500 membership, and in view of this he was concerned that a greater level of control would be needed.

Sgt Robson referred to a recent incident outside the Club and stated that he had witnessed people walking from the Club to the nearby nightclub. A way of achieving greater control was through a CCTV system which allowed the Police to capture evidence as and when necessary. Only one person, Mr Sams was trained to operate the system. The Police were concerned that in the event of an incident and Mr Sams was not available, they would lose the opportunity to gather evidence within the restricted time limits they had. This would mean that the Police may have to seize the system which in turn could compromise the terms of the licence. The Police had therefore requested that more than one individual be trained in the operation of the CCTV system. Sgt Robson added that the Data Protection Act stated that there should be someone available to download the information when requested. Environmental Health and Trading Standards may also need to access the information.

Members asked a number of questions of Sgt Robson.

In response he confirmed that there should be a refusals register/security/incident book, and that security checks should be carried out before and after trade.

With regard to the beer garden or smoking area which was shown on the picture of the premises, Sgt Robson advised that alcohol sold within the premises could lawfully be consumed outside and that it would be difficult to impose restrictions in that area. Both the Police and the Licensing Officer agreed that limiting the time for drinking outside would be appropriate.

Sgt Robson advised that he was not aware that the Committee had been asked to consider the Police request for additional staff members to be trained in the operation of the CCTV, which he believed was Mr Sams' decision. The system was suitable but he considered that it should cover the beer garden/smoking area. When the area was not being used under the Premises Licence, the Club Premises Certificate did not allow open containers to be taken outside.

At 10.30am the Sub-Committee retired to deliberate the application in private. After re-convening at 10.55am the Chair delivered the Sub-Committee's decision.

In determining the application, Members had considered the report of the Licensing Officer, Section 182 Guidance and the Council's Licensing Policy, together with written representations of the Applicant and the verbal and written representations of the Police.

Resolved:

That

- (a) subject to confirmation that the additional conditions at (c) below are implemented, the application for a Premises Licence be granted as follows:-

Sale of alcohol for consumption on the premises	Monday to Saturday 1100 - 2330 Sunday 1200 - 2330 Christmas Eve, Boxing Day and New Years Eve until 0030
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Live Music (Indoors only)	Monday to Saturday 1100 – 2330 Sunday 1200 – 2330 Christmas Eve, Boxing Day and New Years Eve until 0030
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Recorded Music (Indoors only)	Monday to Saturday 1100 – 2330 Sunday 1200 – 2330 Christmas Eve, Boxing Day and New Years Eve until 0030
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Performances of Dance (Indoors only)	Monday to Saturday 1100 – 2330 Sunday 1200 – 2330 Christmas Eve, Boxing Day and New Years Eve until 0030
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Provision of Facilities for Making Music (Indoors only)	Monday to Saturday 1100 – 2330 Sunday 1200 – 2330 Christmas Eve, Boxing Day and New Years Eve until 0030
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Provision of Facilities for Dancing (Indoors only)	Monday to Saturday 1100 – 2330 Sunday 1200 – 2330 Christmas Eve, Boxing Day and New Years Eve until 0030
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Provision of Facilities for
Entertainment Similar to
Making Music or Dancing
(Indoors only)

Monday to Saturday 1100 – 2330
Sunday 1200 – 2330
Christmas Eve, Boxing Day and
New Years Eve until 0030

Opening Hours of the
Premises

Monday to Saturday 1100 – 2330
Sunday 1200 – 2330
Christmas Eve, Boxing Day and
New Years Eve until 0130

(b) the following conditions be imposed upon the licence, as outlined in the Applicant's Operating Schedule:-

- A CCTV system is installed and will be maintained in an effective working order
- A first aid kit and fire extinguisher will be available on the premises
- Noise from regulated entertainment shall be inaudible within the nearest noise sensitive location
- Notices shall be displayed at all exits asking patrons to be mindful of the location and not to cause noise when leaving the premises
- ID will be requested for proof of age 18 for sale of alcohol
- Children under the age of 18 will be allowed on the premises if accompanied by an adult.

(c) in addition to the conditions outlined in the Applicant's Operating Schedule, the following conditions be imposed upon the licence:-

- A minimum of 3 staff will be trained in the operation of the CCTV system, with 1 member of staff in attendance on the premises at all times
- CCTV will be fitted to cover all parts of the premises the public have access to including the outdoor smoking/garden area
- An incident book and refusals register will be fully maintained on the premises and will record instances where the sale of alcohol is refused and any other incidents. The book will be made available to officers and responsible authorities when requested to do so.

- Notices will be displayed at the entrance and egress points advising that alcohol must not be taken outside into the smoking/garden area.