



Statutory Licensing Sub-Committee

Date Tuesday 13 November 2012
Time 10.00 am
Venue Council Chamber, Council Offices, Chester-le-Street

Business

Part A

1. Declarations of Interest (if any)
2. Minutes (Pages 1 - 20)
3. Application for the Review of a Premises Licence - The Golden Lion, Sedgefield. (Pages 21 - 42)
4. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

5 November 2012

To: **The Members of the Statutory Licensing Sub-Committee**

Councillors B Arthur, E Bell, J Hunter, J Wilkinson and D Marshall

Contact: Jill Errington

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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.

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Wednesday 12 September 2012 at 10.00 am**

Present:

Councillor B Arthur (Chair)

Members of the Committee:

Councillors E Bell and J Hunter

Also Present:

C Greenlay (Legal Officer), H Johnson (Licensing Team Leader), P Nicholson (Committee Services Officer) and Y Raine (Senior Licensing Officer)

Mr and Mrs Rowbotham (Applicants)

1 Declarations of Interest

There were no declarations of interest received.

2 Consideration of a TEN - The Crown, Mickleton

Consideration was given to the report of the Corporate Director, Neighbourhood Service which gave details of an objection notice served by Pollution Control, Durham County Council to a Temporary Event Notice for The Crown, Mickleton, Barnard Castle (for copy see file of minutes).

A copy of the temporary event notice and the objection notice from Pollution Control had been circulated to Members.

A copy of the location plan had been circulated to Members at the meeting.

The Pollution Control Team were unable to attend the meeting but had provided a statement which set out details of the history of complaints from the premises. A copy of the statement had been circulated to Members prior to the meeting.

Mr Rowbotham the Applicant gave Members a brief history of his experience in the catering trade and circulated to Members details of recent catering events which he had been involved with. He also circulated a letter from the wedding party whose wedding reception was to be held at the venue on 15 September 2012, who were asking that the temporary event notice be granted to enable their wedding to be an enjoyable day.

He then gave a powerpoint presentation where he indicated that the Crown was a real pub for real people. They worked closely with the local brewery and used locally produced food and they showed the local Farmers name on their menus to show where the meat had been sourced. They also had modern apprenticeship employees.

He also advised members that the plot was just under an acre and he showed photographs of the public house inside and outside before and after refurbishment which was freehold. He also showed before and after photographs of the garden which was where the marquee would be situated.

A photograph was also shown of the marquee in place and photographs of the Queens Jubilee Event which was held in the marquee where they had a live band this event also marked their 1st anniversary of been open.

Their vision was to re-invest in the premises, develop and inspire generations to understand and enjoy great food.

They had plans to re-open the village shop in the barn building, open a new butchery, host wedding and community events, have 7 en suite bedrooms to include 1 adopted for disabled, a caravan club certified location for 5 touring caravans with all weather pitches and full facilities. The all weather pitches had already been installed.

Their future plans were to build on a dinning room/function suite for 100 or more people and they needed to test the market before building a permanent structure.

Mr Rowbotham showed Members the plans for the village shop which also included a dormitory. He also showed the plans for the caravan park which would provide 10 extra customers per night.

Their commitment was to recruit local people, encourage community activities, promote and support local producers, invest in diverse methods and develop opportunities for young people.

They employed 15 local people which was nil prior to them purchasing the public house. They had to deal with minimum wage increases, a rise in beer duty, food prices rising and then an increase in rates.

The Village Hall hosted events and there was a pigeon club every Monday which lasted 2 hours. The population of the village was 300 and the pub could no longer survive on beer and food sales alone.

He refereed to the objection from Pollution Control and indicated that the first he knew of this was on 8 June 2012. This was a one off event which was publicised but not over publicised. He indicated that at 9.00 pm he had received a complaint from a resident asking for the music to be turned down. The event was a live band and would be finished by 11.00 pm but was finished by 10.30 pm and everyone returned to inside the public house. He did not realise the music was that loud and 200 local residents were at the event.

He referred to point 1.3 of the statement and indicated that the music was within the main building of the premises and there was not a lot of loud music.

He also referred to point 1.6 of the statement and advised Members that 2 hours before the scheduled committee meeting he was contacted by the Pollution Team to ask if they could come to an agreement which was to cease the event at 10.30 pm and limit the noise breakout. He also advised Members that for this event he had posted a letter through every door in the village asking if they supported the event. From this letter he had received 15 letters and several pages of signatures in support of the event.

A resident had monitoring equipment fitted in his home to monitor the event and he was unclear how the music was audible in his home when the music was pointed to the valley behind.

At the last event held he had asked the DJ at 9.00 pm to turn down the beat and at 10.00 pm he had asked for the volume to be reduced and the event was concluded at 10.30 pm, there were no complaints from this event.

He explained that the wedding this weekend would be music 7.00 pm to 9.00 pm then return to background music and conclude by 12.00 midnight. He did not feel that a noise limiter was appropriate.

The Chairman thanked Mr Rowbotham for his presentation.

Councillor Bell sought clarification on how many complaints in total had been made. He also asked for a copy of the letter posted to residents and the kinds of responses made. The applicant provided a copy of the letter.

Councillor Hunter sought clarification on the proximity of the complainant from the blue boundary of the premises.

The Applicant responded that he was not sure who the complainant was but he believed it was the gentleman who rang him to complain about the Jubilee event and showed Members the area where he lived on the location plan. He also advised Members that they had tried to get the monitoring equipment installed in properties closer to the premises. He advised the Sub-Committee that they only wanted to hold 4 or 5 events a year which would include weddings to help the business. Other events would be beer events which would be held during the day.

The Solicitor sought clarification why they had not used smaller speakers. The Applicant responded that they had requested smaller speakers but the DJ had turned up with 2 large speakers and often the DJ's were often booked by the party and not themselves to keep the costs down.

The Chairman asked if they had a Temporary Event Notice for the event on 15 June 2012. The Applicant responded that there was only food in the Marquee and music was played in the public house and a speaker was placed outside. Alcohol was purchased in the bar but was consumed outside.

The Committee left to deliberate the application in private at 10.45 am, After reconvening at 11.05 am, the Chair delivered the Sub-Committee's decision.

In determining the application, the Sub-Committee had considered the report of the Corporate Director, Neighbourhood Services and the written and verbal representations of the Applicant and the written statement of the Public Protection Officer. The Sub-Committee had also taken into account the relevant provisions of the Licensing Act 2003, Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy.

Resolved:

That the application for a Temporary Event on 15 September 2012 be granted and that the Applicant be encouraged to ensure that:-

- i) Recorded music cease at 22:30.
- ii) Background music cease at 23:00.
- iii) Small speakers are used for all music.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Tuesday 18 September 2012 at 10.00 am**

Present:

Councillor J Shiell (Chair)

Members of the Committee:

Councillors B Graham and K Holroyd

Apologies:

Apologies for absence were received from Councillors A Hopgood

Also Present:

Councillor B Alderson

Councillor E Bell

H Johnson – Licensing Team Leader

Councillor C Carr – Interested Party

K Martin – Interested Party

M Foster – Applicant's representative

S Singh – Applicant

Mrs Kaur – Applicant's wife and business partner

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 The Minutes of the Meeting held on 22 August 2012

The Minutes of the meeting held on 22 August 2012 were agreed as a correct record and were signed by the Chair.

3 Application for the Grant of a Premises Licence - Arcadia Convenience Store, 1 Arcadia, Ouston

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application to vary a Premises Licence in respect of Arcadia Convenience Store, Ouston (for copy see file of Minutes).

A plan showing the location of the premises and a copy of the application had been circulated to Members together with representations from Councillor Carr, the Parish Council, Mrs Martin and a bundle of evidence provided by the Applicant.

Councillor Carr referred to a letter by the local MP which wasn't included in the documentation. Members were advised that this had been received outside the period for making relevant representations in accordance with the Licensing Act 2003.

Councillor Carr addressed the Sub-Committee on behalf of his constituents, and with the agreement of the Applicant and the Sub-Committee he also spoke on behalf of Ouston Parish Council.

He was disappointed that the Police were not in attendance as he had questions relating to incidents that had occurred since the premises had opened. He also considered that Beat Officers could have given valuable information about other occasions when the Police had been called, but they had moved on since the last licence was held at the premises.

Councillor Carr made reference to his letter of representation circulated with the papers for the hearing which set out his objections under the licensing objectives. There had been substantial anti-social behaviour problems around the school and a detailed plan circulated at the hearing showed the close proximity of the school to the premises.

Local residents felt threatened by youths congregating outside the premises and many residents were parents of children who attended the after school childcare facility which was open until 6.30pm. Parents and children therefore passed the premises and felt intimidated.

From the floor plan circulated with the papers 30-40% of the store was set aside for the sale of alcohol and this would pose a risk to the health of the general public. He appreciated that Public Health was not currently a licensing objective but he asked the Sub-Committee to take into account his concerns. There were other stores in close proximity and an additional premises would have an effect with regard to cumulative impact.

Councillor Carr asked if he could read out a letter from the school. At the time of making representation the school was closed. Following legal advice the Sub-Committee heard the content of the letter but acknowledged that it was not an official objection as it was received outside the relevant period.

The Governors of Ouston Junior School were concerned about the close proximity of the premises to the school and the potential risk to pupils due to the possible increase in anti-social behaviour. Young people often walked to school unaccompanied and may feel threatened by older children who were congregating outside the premises.

The Parish Council had very strong feelings and were concerned about anti-social behaviour and general nuisance around the shops.

Councillor Carr responded to questions. He advised that the after care facility at the school accommodated children from as young as 2-3 years up to the age of 15.

The application had been made on 16 June 2012 which was before the summer holidays but the Notice had not been seen and had only come to the Governors attention after the recess.

With regard to the reference to other licensed premises in the area it was clarified that there were 2; the Jet Garage at 0.2 miles away (3-4 minute walk) and Cannocks at 0.5 miles away (7-10 minute walk). The third premises Cooks Corner did not have a Premises Licence.

It was clarified that most of the representations made referred to issues with the previous premises licence, however Councillor Carr stated that residents had real concerns about the shop since it had re-opened.

He accepted that Sgt Robson currently worked in licensing at Durham Constabulary but he would not have been as familiar with the incidents at the premises as the Beat Officers at that time.

The Council did not have a cumulative impact policy but Councillor Carr asked the Sub-Committee to take into account the number of other licensed premises and residential properties in Ouston and Urpeth.

Mrs Martin, local resident addressed the Sub-Committee. She stated that there was also a takeaway nearby which children naturally congregated outside. Incidents had taken place since the premises had opened which she had reported to the Police. The number of youths gathered outside had increased and it was intimidating for parents and children to pass the premises to access the childcare facility at the school. She made reference to the other licensed premises in the area and asked what the saturation point would be for no further licences to be granted.

The petition had been submitted to demonstrate that everyone in the community had concerns. The ratio of the sale of alcohol to other goods was 60/40% and the hours of trading were not acceptable. A sign had been erected that alcohol was 'coming soon' although this had now been removed.

During questions of Mrs Martin it was clarified that the floor plan circulated with the papers showed that a 60/40% split was incorrect. With regard to the location of the alcohol in the store Mrs Martin maintained that it should be placed at the back of the shop to make it more difficult for shoplifters and to reduce temptation to underage youths.

The Applicant's representative asked if she would be in agreement with the introduction of Challenge 25 to allay fears. Mrs Martin responded that she simply did not want alcohol to be sold at the premises.

With regard to the previous licence Mrs Martin had understood that it had been revoked but it was clarified that it had been surrendered.

M Foster, the applicant's representative addressed the Sub-Committee and referred to the written representations of the Applicant. The Applicant and his wife who was

also his business partner employed 9 people at 2 other premises, both of which were managed without problem.

The Police, Environmental Health and Trading Standards had offered no objections to the application and the operating schedule addressed the concerns put forward.

He asked the Sub-Committee to consider Points 4.4 and 5.3 of the Council's Statement of Licensing Policy. The conditions were in line with the Policy and the management of the premises would be reflected in the training to be provided. The applicant and members of staff had attended accredited training courses and one to one training would also be carried out with a record kept for inspection purposes.

The Applicant had agreed to introduce Challenge 25 with appropriate signage, and posters would address the issue of proxy purchases.

A Refusals Register would be kept, together with an Incident Book to record any other issues.

CCTV had now been installed, details of which were included in the Applicant's bundle. The monitor with images of all the cameras would be located in front of the service point and this would not only act as a deterrent but would make customers feel safe.

The Applicant had invested a significant amount in the premises and alcohol sales were necessary. If not available they could lose 'ancillary sales'. 20% of the overall products on sale would be alcohol. As a convenience store if a full range of products, including alcohol, was not provided customers would go elsewhere for all other ancillary goods. This was known as the 'shopping basket effect'.

In response to a question from Councillor Carr about how often the Applicant had been on site since the shop had re-opened M Foster advised that as the premises licence had not yet been granted it was not necessary for him to be present.

The Applicant was asked about recent incidents by Councillor Carr and about an occurrence the evening before. The Chair advised that as there was no evidence to support the reference to previous incidents they would not be taken into account.

M Foster considered that Councillor Carr's questioning of the applicant was adversarial and bullying, a statement which Councillor Carr asked M Foster to withdraw. Following advice from the Legal Officer the Chair advised that the comments would be disregarded by the Sub-Committee and would not be referred to in their deliberations.

In response to a further question from Councillor Carr about the shopping basket effect Mrs Kaur reiterated that as a convenience store, if for example they did not have a paypoint terminal or opened early for the sale of newspapers, they would lose customers for all other purchases.

With regard to the signs advertising the sale of alcohol Mrs Kaur apologised and accepted that they should not have been displayed before a licence was issued.

Mrs Kaur explained why not all staff would be trained in the CCTV system. This was to allow cover by other family members but she advised that a straightforward reference guide would be kept with the recorder.

In summing up Councillor Carr stated that there was a lot of discontent in Ouston and Urpeth as demonstrated by the number of signatures on the petition, as well as concerns from the school governors. He reiterated their concerns about the sale of alcohol to young people and the risk of increased anti-social behaviour.

Mrs Martin reiterated the point about the close proximity of the premises to the school and how intimidating it would be for children and parents walking past the youths congregating outside. The number of licensed premises in Ouston and Urpeth had reached saturation point.

M Foster stated that this was a carefully considered application by responsible, experienced operators and Members needed to consider whether the representations by the objectors would impact upon the licensing objectives. The issues raised mainly related to the previous licence with their representations relying on speculation. He made reference to relevant case law and Section 182 Guidance. Cumulative impact must relate to at least one of the licensing objectives and this had not been demonstrated, nor had the Licensing Authority a Cumulative Impact Policy in place.

Reference had been made to incidents since the premises had opened but he stated that there had been no evidence to support this.

The premises could not be responsible for individuals beyond the immediate area surrounding the property as stated in paragraphs 2.3 and 2.4 of Section 182 Guidance. There were a number of controls to ensure that the conditions imposed on a Premises Licence were adhered to including the power of review, and as stated in the Statement of Licensing Policy there were a number of other mechanisms for addressing anti-social behaviour such as DPPOs and powers under the Environmental Protection Act.

To conclude he asked the Sub-Committee to consider paragraphs 4.4 and 4.5 of the Statement about promoting good management which the applicant had sought to provide within the operating schedule.

Members retired to deliberate the application in private at 11.50am and returned at 12.20pm.

In determining the application Members had considered the report of the Licensing Officer and the written and verbal representations of Councillor Carr, Mrs Martin and the applicants, together with the relevant provisions of the Licensing Act 2003, Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy.

Resolved:

That the application for a Premises Licence be granted as follows:-

Opening Hours of the Premises Monday to Sunday 07:00 to 21:00 hours
Sale of Alcohol (off the premises) Monday to Sunday 07:00 to 21:00 hours

- (i) The Licence Holder shall ensure that at all times when the premises are open for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence
- (ii) All staff will be trained on their responsibilities under the Licensing Act, with particular focus upon sales of age restricted products and proxy sales. A record will be kept of training in a manual, which will be available for inspection by the Police, Trading Standards or the Licensing Authority. Such training will be refreshed initially after three months, and thereafter every six months. Refresher training will also be documented.
- (iii) All members of staff at the premises shall seek 'credible photographic proof of age evidence' from any person who appears to be under the age of 25 years (Challenge 25 Scheme) and who is seeking to purchase any age restricted product on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a 'PASS' logo.
- (iv) The premises will operate a 'Refusals book' to record refusals of sales of age restricted products, in line with the premises Challenge 25 policy and proxy purchase refusals. Such will be available for inspection by the Police, Trading Standards or the Licensing Authority.
- (v) A record of incidents will be kept and maintained at the premises to record incidents of crime and disorder associated with the provision of licensable activities from the premises, or incidents in the vicinity brought to the attention of the management. Such will be available for inspection by the Police, Trading Standards or the Licensing Authority upon request.
- (vi) A digital CCTV system will be operated and maintained at the premises. Recordings will be retained for 28 days and be available for inspection by the Police, where the Police have justified that such a request is necessary for investigating or preventing crime or apprehending or prosecuting an offender.
- (vii) The CCTV system will cover the inside and the outside of all exits and entrances to the premises; this is to include any rear doors and yards.

- (viii) The majority of permanent staff working at the store will be trained to operate the CCTV system; this is to include viewing and downloading of the system.
- (ix) The Designated Premises Supervisor will provide their direct contact details to the Licensing Authority for the purpose of being contacted should any of the responsible authorities wish to contact them.

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Wednesday 3 October 2012 at 12.30 pm**

Present:

Councillor A Hopgood (Chair)

Members of the Committee:

Councillors D Bowman, D Stoker and D Marshall

Apologies:

Apologies for absence were received from Councillors A Wright

Also Present:

H Johnson (Licensing Officer), S Grigor (Legal Officer), M Haigh and M Williamson (Durham Constabulary)

1 Declarations of Interest

Councillor D Marshall declared an interest in item no. 2 and took no part in the decision.

2 Consideration of Temporary Event Notices

Consideration was given to the report of the Corporate Director, Neighbourhood Services which detailed an objection notice served by the Chief Inspector of Durham Constabulary in response to an application from Mrs Angela High for two temporary event notices for Montgomery's, Stanley (for copy see file of minutes).

A copy of the temporary event notice had been circulated to Members together with a copy of the objection received from Durham Constabulary.

A successful mediation had taken place between Durham Constabulary and the Applicant, details of which had been circulated.

Durham Constabulary and the Applicant had both given notice to the Authority that a hearing was unnecessary and requested that it be dispensed with provided that any licence granted included all the conditions that were present on the current premises licence.

In determining the application, the Sub-Committee had considered the report of the Corporate Director, Neighbourhood Services and the Mediation Agreement. The Sub-Committee had also taken into account the relevant provisions of the Licensing

Act 2003, Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy.

Resolved:

That the application for two Temporary Event Notices be granted subject to all the conditions present on the current premises licence apply for the full duration of the Temporary Event Notice and that the following licensing activities applied for can take place:-

Licensable Activities (Indoors)	Date and Time
Sale by retail of alcohol and the provision of regulated entertainment event: Breast Cancer Charity Night	09.00 hrs on Friday, 26 th October until 3.30 hrs on Saturday, 27 th October 2012-
Sale by Retail of Alcohol and The Provision of Regulated Entertainment Event: Annual Halloween Party	09.00 hrs on Friday, 2 nd November until 3.30 hrs on Saturday, 3 rd November 2012

Statutory Licensing Sub-Committee (3)

13th November 2012

Application for the Review of a Premises Licence



Report of Terry Collins, Corporate Director, Neighbourhood Services

The Golden Lion, 1 East End, Sedgefield. TS21 3AU

1. Summary

The Sub-Committee is asked to consider and determine an application by Durham Constabulary to review the premises licence in respect of the above premises currently licensed for the sale of alcohol and the provision of regulated entertainment as detailed in the table below:

Licensable Activity	Timings
The Sale of Alcohol (on and off sales)	Mon – Thur 1100 – 2300 Fri & Sat 1100 – 0000 Sun 1200 – 0000 A further additional hour every Bank Holiday & Easter weekend. Christmas Eve & Boxing Day: 1100 – 0100 hrs. 1100 hrs on New Years Eve until 2400 hrs on New Years Day
Live Music – Indoors only	Mon – Thur 1100 – 2300 Fri & Sat 1100 – 0000 Sun 1200 – 0000 A further additional hour every Bank Holiday & Easter weekend. Christmas Eve & Boxing Day: 1100 – 0100 hrs. 1100 hrs on New Years Eve until 2400 hrs on New Years Day

Recorded Music – Indoors only	Mon – Thur 1100 – 2300 Fri & Sat 1100 – 0000 Sun 1200 – 0000 A further additional hour every Bank Holiday & Easter weekend. Christmas Eve & Boxing Day: 1100 – 0100 hrs. 1100 hrs on New Years Eve until 2400 hrs on New Years Day
Provision of Facilities for Entertainment Similar to Live or Recorded Music – Indoors only	Mon – Thur 1100 – 2300 Fri & Sat 1100 – 0000 Sun 1200 – 0000 A further additional hour every Bank Holiday & Easter weekend. Christmas Eve & Boxing Day: 1100 – 0100 hrs. 1100 hrs on New Years Eve until 2400 hrs on New Years Day
Opening times of the premises	Mon – Thur 1100 – 2330 Fri & Sat 1100 – 0030 Sun 1100 – 0030 A further additional hour every Bank Holiday & Easter weekend. Christmas Eve & Boxing Day: 1100 – 0130 hrs. 1100 hrs on New Years Eve until 0030 hrs on 2nd Jan.

A copy of the premises licence is attached at Appendix 1. Plans showing the location of the premises are attached at Appendix 2.

For Members information, the premises licence for The Golden Lion, Sedgefield was subject to a previous review in May 2009. This resulted in conditions being added to the licence, as shown in Annex 3 of the current premises licence.

2. Details of the Application

The application is for a review of the premises licence (SBCDL16PRM0106) currently held by Punch Taverns Plc in respect of The Golden Lion, Sedgefield.

On 18th September 2012 the Licensing Authority received an application from Durham Constabulary asking the Authority to consider a review of the premises licence.

The application is deemed by the Licensing Authority to be relevant.

This application for a review relates to the following licensing objectives:

- The Prevention of crime and disorder
- The Prevention of public nuisance
- The Protection of children from harm

A copy of the application for the review of the premises licence and supporting documents are attached at Appendix 3.

The application for review was advertised in accordance with the regulations.

3. Representations

Within the statutory period no representations were forthcoming from the Responsible Authorities or any other persons.

4. The Parties

The Parties to the hearing will be:

- Durham Constabulary (the applicant)
- John Coen, Ford & Warren (the licence holders' solicitor)

5. Durham County Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the following relevant parts of the Policy:

- 5.0 The Prevention of Crime and Disorder
- 7.0 The Prevention of Public Nuisance
- 8.0 The Protection of Children from Harm
- 19.0 Reviews

Relevant information is attached at Appendix 4.

6. Section 182 Guidance

The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under section 182 of the Licensing Act 2003 as follows:

- Part 11.

Relevant information is attached at Appendix 5.

7. For Decision

The Sub-Committee is asked to determine the application for the review of the premises licence and to take any of the following steps that it considers necessary for the promotion of the licensing objectives:

- Take no further action
- Modify or add conditions to the licence
- Exclude a licensable activity from the licence
- Remove the Designated Premises Supervisor
- Suspend the licence for a period (not exceeding three months)
- Revoke the licence

Electoral Division(s):

Background Papers:

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003
(As amended October 2012)

Contact:	Yvonne Raine	Tel: 03000 265256
		E-mail: yvonne.raine@durham.gov.uk

APPENDIX 1 – PREMISES LICENCE



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

SBCDL16PRM0106
12 September 2005
7 May 2009

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>THE GOLDEN LION 1 EAST END SEDGEFIELD STOCKTON ON TEES TS21 3AU</p>	<p>DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
<p>Telephone number: 01740 620371</p>	

<p>Where the licence is time limited the dates N/A</p>
--

<p>Licensable activities authorised by this licence Live Music Recorded Music Entertainment of a similar description to making music or dance Sale by Retail of Alcohol</p>
--

<p>The opening hours of the premises (all times in 24hr format)</p>		
Monday	11:00 - 23:30	<p>Non standard/seasonal timings: A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day when the sale of alcohol will cease at 01:00hrs and the premises will close at 01:30hrs. 11:00hrs New Years Eve until 00:30hrs 2nd January.</p>
Tuesday	11:00 - 23:30	
Wednesday	11:00 - 23:30	
Thursday	11:00 - 23:30	
Friday	11:00 - 00:30	
Saturday	11:00 - 00:30	
Sunday	11:00 - 00:30	

<p>Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales ON AND OFF ALCOHOL SALES</p>
--

The times the licence authorises the carrying out of licensable activities (all in 24hr format)

Live music

Indoors only

Monday	11:00 - 23:00	Further details
Tuesday	11:00 - 23:00	N/A
Wednesday	11:00 - 23:00	
Thursday	11:00 - 23:00	Non standard/seasonal timings:
Friday	11:00 - 00:00	A further additional hour into the morning following every Friday,
Saturday	11:00 - 00:00	Saturday, Sunday and Monday for each May Bank Holiday,
Sunday	12:00 - 00:00	Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day when the sale of alcohol will cease at 01:00hrs and the premises will close at 01:30hrs. 11:00hrs New Years Eve until 00:00hrs New Years Day.

Recorded music

Indoors only

Monday	11:00 - 23:00	Further details
Tuesday	11:00 - 23:00	N/A
Wednesday	11:00 - 23:00	
Thursday	11:00 - 23:00	Non standard/seasonal timings:
Friday	11:00 - 00:00	A further additional hour into the morning following every Friday,
Saturday	11:00 - 00:00	Saturday, Sunday and Monday for each May Bank Holiday,
Sunday	12:00 - 00:00	Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day when the sale of alcohol will cease at 01:00hrs and the premises will close at 01:30hrs. 11:00hrs New Years Eve until 00:00hrs New Years Day.

Provision of facilities for entertainment similar to making music or dancing

Indoors only

Monday	11:00 - 23:00	Further details
Tuesday	11:00 - 23:00	N/A
Wednesday	11:00 - 23:00	
Thursday	11:00 - 23:00	Non standard/seasonal timings:
Friday	11:00 - 00:00	A further additional hour into the morning following every Friday,
Saturday	11:00 - 00:00	Saturday, Sunday and Monday for each May Bank Holiday,
Sunday	12:00 - 00:00	Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day when the sale of alcohol will cease at 01:00hrs and the premises will close at 01:30hrs. 11:00hrs New Years Eve until 00:00hrs New Years Day.

Sale by retail of alcohol

On and Off Sales

Monday	11:00 - 23:00	Further details Non standard/seasonal timings: A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day when the sale of alcohol will cease at 01:00hrs and the premises will close at 01:30hrs. 11:00hrs New Years Eve until 00:00hrs New Years Day.
Tuesday	11:00 - 23:00	
Wednesday	11:00 - 23:00	
Thursday	11:00 - 23:00	
Friday	11:00 - 00:00	
Saturday	11:00 - 00:00	
Sunday	12:00 - 00:00	

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

PUNCH TAVERNS PLC
JUBILEE HOUSE
SECOND AVENUE
CENTRUM ONE HUNDRED
BURTON ON TRENT
DE14 2WF
01283 501600

Registered number of holder, for example company number, charity number (where applicable)

Company no:	03752645
Charity no:	N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol

MRS JULIE NEWBOLD
THE GOLDEN LION
1 EAST END
SEDFIELD
STOCKTON ON TEES
TS21 3AU
01740 620991

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol

SBCDL16PER0521
SEDFIELD BOROUGH COUNCIL

Annex 1 – Mandatory conditions

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol: -

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 a holographic mark.

The responsible person shall ensure that:-

(a) Where any of the following alcoholic drinks is sold or supplied for sale or 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:-

1. Beer or cider - ½ pint;
2. Gin, rum, vodka or whisky - 25ml or 35ml; and
3. Still wine in a glass - 125ml; and

(b) Customers are made aware of the availability of these measures.

Mandatory condition: embedded restrictions

This Premises Licence has been granted upon conversion under schedule 8 of the Licensing Act 2003 of the previous Justices' On Licence, and such rights and restrictions that applied to such Licence are hereby incorporated into this Premises Licence, subject to any express terms to the contrary hereinafter specified, and/or any restriction applying to a Premises Licence and/or any licensable activity.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

None

The Prevention of Crime and Disorder

Any Licensee providing CCTV on their premises must ensure that they comply with the provisions of the Data Protection Act and the Regulations of Investigatory Powers Act.

Public Safety

Fire safety signs shall be adequately illuminated.
The premises hold a full electrical test certificate.

The fire alarm, fire fighting equipment and emergency lighting shall be provided and maintained in working order.
Exterior lighting and lighting at the front and rear of the premises shall be maintained in good working order.
A managed customer departure system through the two exits at the front and rear of the premises shall be implemented.

The Prevention of Public Nuisance

Windows will remain closed during the course of any regulated entertainment.

The Protection of Children from Harm

Children shall be permitted in the in the designated children's area situated in the ground floor bar area when accompanied until 19:00 hours. Children will be permitted in the first floor function room when accompanied during a private function.
In order to further the licensing objectives the licensee shall move fire appliances, Amusement With Prizes Machines, cigarette machines and any other similar objects temporarily in a fixed location, which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

CONDITION AGREED WITH THE POLICE

The provision of regulated entertainment and sale of alcohol, to cease at 11:00pm Monday through to Thursday, and midnight Friday through to Sunday. An additional 30 minutes drinking up time will be allowed and the premises will close at 11:30 pm and 00:30am respectively. A further additional hour for the sale of alcohol and provision of regulated entertainment will be allowed for the following: 1) Every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank holiday and every August Bank holiday weekend. 2) Every Thursday, Friday, Saturday Sunday and Monday for the Easter Bank Holiday weekend. 3) Christmas Eve and Boxing. On these latter occasions the sale of alcohol will cease at 1am and the premises will close at 1:30am.

CONDITION AGREED WITH ENVIRONMENTAL HEALTH OFFICER

Noise from regulated entertainment held at the premises shall be inaudible within the nearest noise sensitive location. The statutory nuisance provisions of the Environmental Protection Act 1990 remain unaffected by this.

Notices should be displayed at all exit of the premises asking patrons to be mindful of the location and not to cause noise when leaving the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority

That a Challenge 21 Scheme be implemented within the premises

That all employees be trained on their responsibilities under the Licensing Act 2003 prior to commencing work, with the training to be refreshed on a regular basis

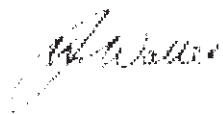
That a CCTV system which meets the minimum standard required by Durham Constabulary be installed and fully maintained at the premises.

That senior employees be trained to use the CCTV system

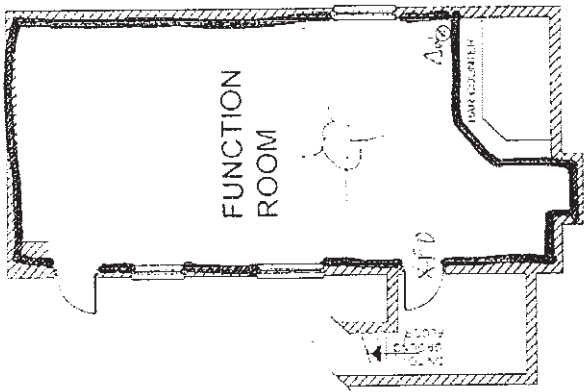
That an incident register be maintained to record all incidents at the premises

Annex 4 – Plans attached

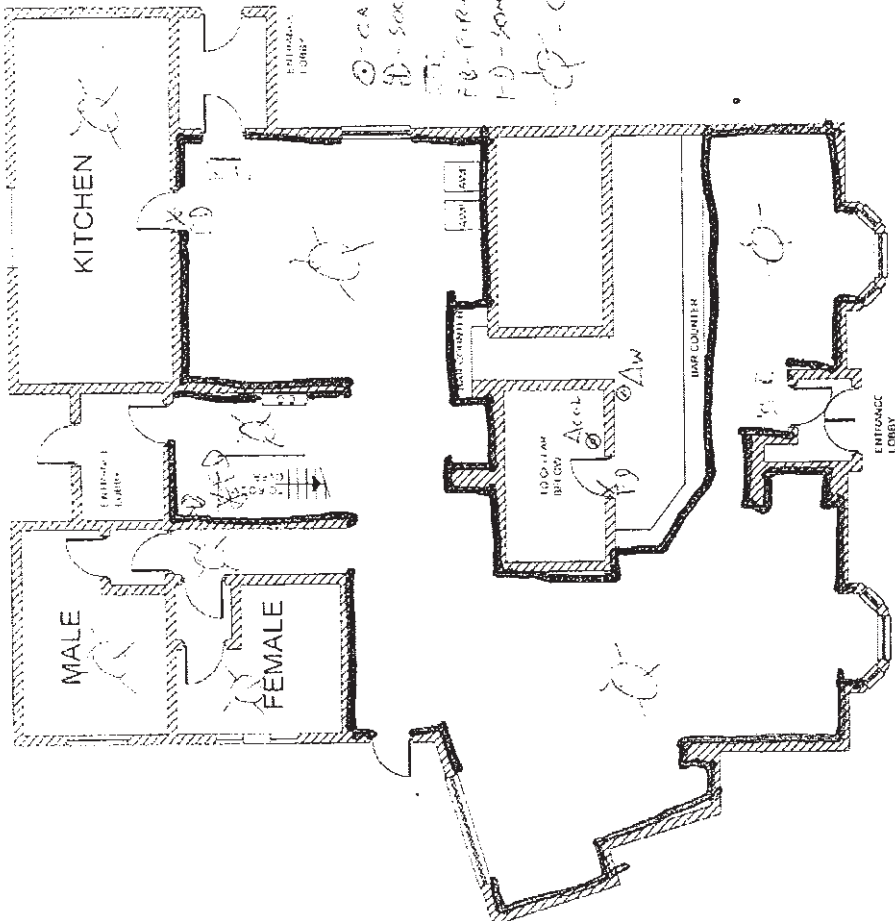
Attached

A handwritten signature in black ink, appearing to read "A. Wallis". The signature is written in a cursive style with a long, sweeping underline.

**Signature of Authorised Officer
Head of Environment, Health and Consumer Protection**



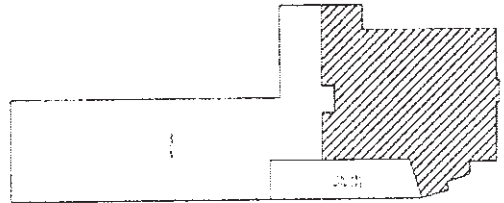
EXISTING FIRST FLOOR PLAN



EXISTING GROUND FLOOR PLAN

@ - CALL POINT
 D - SOUNDER
 F - FIRE ALARMS
 H - 30 MIN FIRE DOOR
 X - CONCRETE LIFTING

KEY
 WATER METER
 COFFEE MACHINES
 COIN TH. VENDING MACHINE
 FRUIT MACHINE



SCALE 1:500

OUTLET 290819
COMPLETION

ROMANS
 Surveyors
 4 KING STREET EAST, WINDING ROAD, BRISTOL, AVON, BRISTOL
 TELEPHONE: 0117 930 6000
 35 THE AVENUE, BRISTOL, AVON, BRISTOL, BRISTOL
 TEL: BRISTOL 02 940 823110
 100 PRINCE STREET, BRISTOL, AVON, BRISTOL, BRISTOL
 TEL: BRISTOL 0200 740 0100
 E-MAIL: ROMANS@ROMANS.CO.UK
 WWW.ROMANS.CO.UK

Punch Taverns

PROJECT TITLE
 Golden Lion, Sedgefield,
 Cleveland

DRAWING TITLE	SCALE
Existing Floor Plans	1:150
DRAWN	DATE
JKL	17th March 2000
CHECKED	DWG. NO.
	Outlet number: 907

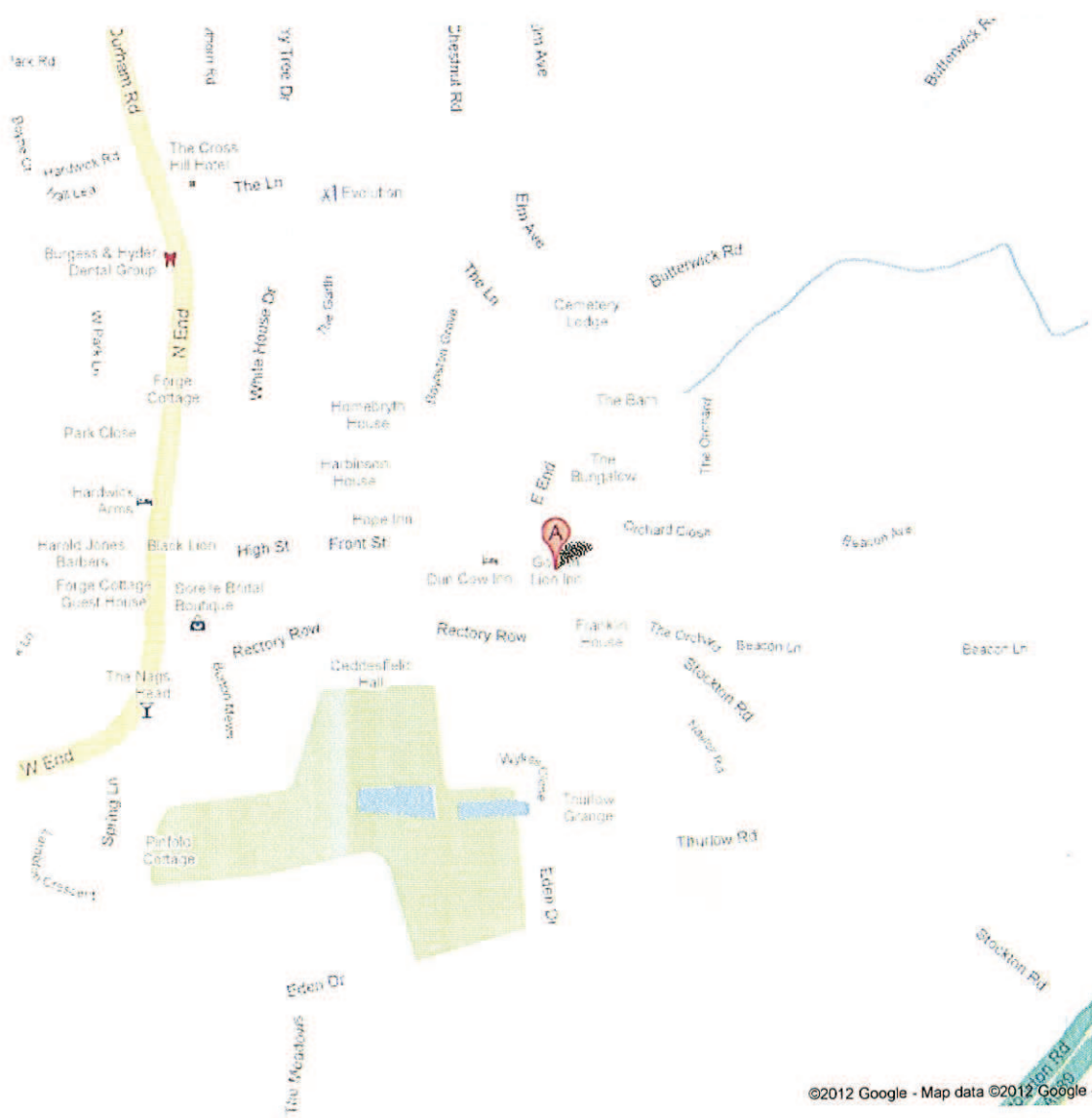
THE ROMANS GROUP (INCORPORATED)
 COMPANY NO. 02052981
 100 PRINCE STREET, BRISTOL, AVON, BRISTOL, BRISTOL
 ROMANS GROUP

OUTLET NO.
 200819
 THE ROMANS GROUP
 150 9801

APPENDIX 2 – PLANS



Address **Golden Lion Inn**
1 E End, Sedgefield, Stockton-on-
Tees, County Durham TS21 3AU,
UK



©2012 Google - Map data ©2012 Google -



Address **Golden Lion Inn**
1 E End, Sedgefield, Stockton-on-Tees,
County Durham TS21 3AU, UK



APPENDIX 3 – REVIEW APPLICATION

Application for the review of a premises licence or club 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 capitals. 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 T J Stoddart - the Chief Constable of Durham

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the 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 The Golden Lion 1 East End Sedgefield	
Post town Stockton on Tees	Post code (if known) TS21 3AU

Name of premises licence holder or club holding club premises certificate (if known) Punch Taverns PLC
--

Number of premises licence or club premises certificate (if known) SBCDL16PRM0106

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 T J Stoddart The Chief Constable of Durham Durham Constabulary Police Headquarters Aykley Heads Durham DH1 5TT
Telephone number (if any) 03456060365
E-mail address (optional)

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

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

See attached Grounds

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

See attached Grounds

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

2	3	0	3	2	0	0	9
---	---	---	---	---	---	---	---

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

See attached copy Application for Review and Grounds dated 23/03/2009

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

[Redacted Signature]

Date

18. 9. 12.

Capacity

Club Inspector

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Sgt 1590 Timothy Robson Alcohol Harm Reduction Unit Annand House John Street North Meadowfield	
Post town Durham	Post Code DH7 8RS
Telephone number (if any) 0191 3754980	
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.