

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Tuesday 11 December 2012 at 10.00 am**

### **Present:**

**Councillor B Arthur (Chair)**

### **Members of the Committee:**

Councillors E Bell and D Brown

### **Apologies:**

Apologies for absence were received from Councillors C Carr and J Lee

### **Also Present:**

Councillor D Brown

H Johnson – Licensing Team Leader

G Proud – Legal Officer

Sgt T Robson – Durham Constabulary

Mr D Athey – Applicant

### **1 Declarations of Interest (if any)**

There were no declarations of interest received.

### **2 The Minutes of the Meeting held on 13 November 2012**

The minutes of the meeting held on 13 November 2012 were agreed as a correct record and signed by the Chairman.

### **3 Application for the Variation of a Premises Licence - Ferryhill Community Hub, Lambton Road, Ferryhill**

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for the variation of a Premises Licence in respect of Ferryhill Community Hub, Lambton Road, Ferryhill (for copy see file of Minutes).

A plan showing the location of the premises and a copy of the application form had been circulated to Members together with representations from residents and local Members.

Members were advised that following successful mediation with Durham Constabulary, the applicant had agreed to amend their application to reduce the hours for the sale of alcohol and to include additional conditions relating to the

licensing objectives. Details were set out in the Mediation Document circulated to Members.

It was noted that there were no interested parties in attendance.

Mr Athey, the applicant addressed the Sub-Committee and stressed that he had 20 years unblemished experience in the licensing trade, 18 of which were in The Eldon Arms, Bishop Auckland. He was confident that he could manage The Hub without causing nuisance to neighbours.

In response to questions from Councillor Arthur, Mr Athey confirmed that CCTV would meet police criteria and that Challenge 25 would be in operation. He also stated that The Hub was a member of the Pub-watch Scheme.

Following a request for clarification from G Proud, Legal Officer, Mr Athey confirmed that the proposed hours were to 00:00 on Friday, Saturday, All Bank Holidays and New Years Eve, and to 23:30 on any other night.

At 10.10am the Sub-Committee left to deliberate the application in private. After reconvening at 10.15am the Chair delivered the Sub-Committee's decision.

In determining the application, Members had considered the report of the Licensing Officer, the relevant provisions of the Licensing Act 2003, Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy. The Sub-Committee had also taken into account the verbal representations of the applicant, and the written representations of residents and local Members.

**Resolved:**

- (i) That the application for the variation of a Premise Licence be granted as follows:

**Opening hours of the premises**

09:00-01:00 hrs Mon – Thursday

09:00-02:00 hrs Fri & Sat and All Bank Holidays & New Years Eve

10:00-24:00 hrs Sun

**Indoor Sporting Events, Boxing or Wrestling, Live Music, Recorded Music, Performance of Dance, Entertainment Similar to Live Music, Recorded Music or Performance of Dance and Provision of Entertainment Facilities – All indoors**

09:00-01:00 hrs Mon-Sat

10:00-23:00 hrs Sun

### **Sale of Alcohol (On Sales only)**

10:00-23:30 hrs Mon-Thur

10:00-00:00 Fri & Sat and All Bank Holidays and New Years Eve

12:00-23:30 hrs Sun

No alcohol to be consumed on the premises after 00:30 hours

(ii) The following additional conditions be imposed on the licence:-

### **The Prevention of Crime and Disorder**

- Challenge 25 will ensure only persons of lawful age will be able to purchase alcohol from our premises. Photo ID only (PASS logo card/photo driving licence/passport)
- Visual inspection and personal interaction with customer will enable staff to determine if the customer is fit to be sold alcohol. If staff believe that the person is intoxicated with drink or drugs they will be refused.
- CCTV will be installed and fitted to Home Office standards within the bar area and function room. A minimum of two cameras will be installed in each room. Recordings will be stored for a minimum of one month.
- A member of staff will be available at all times the premises are open to download CCTV footage when requested by an authorised officer.
- Notices will clearly be displayed at entrance and around the club stating CCTV is in operation.
- Persons known to be, or suspected of buying on behalf of children will be refused and reported to the Police.
- External lighting that has already been installed will be in full working order, including all lights within the main car park area.

### **Public Safety**

- Designated smoking areas will be identified.
- Good housekeeping procedures will be put in place.
- The club will be an active member of Pubwatch and will attend meetings and join activities.
- Maintain an incident book and record and report all instances of disorder.

### **The Prevention of Public Nuisance**

- Customers will not be permitted to take their drinks outside.
- Signs will be displayed encouraging customers to leave the premises quietly.
- A Written Constitution will be implemented solely for members accessing the bar/function room.

### **The Protection of Children from Harm**

- Challenge 25 will be enforced. Refusals will be logged, along with any behaviour associated with the refusal.

- Children under the age of 11 will be supervised by an adult at all times.
- Children under the age of 18 must be accompanied by an adult in the main bar area after 21:00 hours.
- All children under the age of 18 must leave the main bar area by 22:00 hours.
- Persons known to be or suspected of buying on behalf of children will be refused and reported to the Police.
- Signs will be displayed and the club will adhere to the law regarding alcohol and children.
- If concerns arise about a child, the Police will be contacted for advice/assistance and the club will not make investigations or conclusions.

The Chair agreed that in order to meet the requirements of Section 53A of the Licensing Act 2003 consideration be given to the following application.

#### **4 Summary Review of Premises Licence - The Prince of Wales, West Auckland**

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for a summary review of the Premises Licence in respect of The Prince of Wales, West Auckland (for copy see file of Minutes).

A copy of the application and certificate made by Durham Constabulary in accordance with Section 53A of the Licensing Act 2003 had been circulated to Members.

Sgt T Robson, Durham Constabulary addressed the Sub-Committee and advised that the application had been made as a result of a covert operation by the Police following intelligence that indicated that the public house had been used as a place to supply cocaine.

Members were informed of an operation that had taken place on 7 December 2012, details of which were provided by Sgt Robson and were set out in the application circulated to the Sub-Committee.

As a result of the operation cocaine was recovered to the value of approximately £960 and the hard drive from the public house had been seized. At the time of the operation 20-30 people were in The Prince of Wales.

From the intelligence and evidence gained it appeared that the male was supplying controlled drugs from the public house. Both the male and the DPS of the premises were believed to be linked to an Organised Crime Group.

At 10.30am Members retired to deliberate the application in private. After reconvening at 10.40am the Chair delivered the Sub-Committee's decision.

In determining the application, the Sub-Committee had considered the application by Durham Constabulary and the verbal representations of Sgt Robson, together

with Section 53A Summary Review Guidance, Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy.

**Resolved:**

That in view of the serious nature of the information provided and the clear implications that the premises were associated with serious crime the Premises Licence be suspended with immediate effect.