

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Spennymoor on **Tuesday 1 October 2013 at 10.00 am**

Present:

Councillor L Marshall (Chair)

Members of the Committee:

Councillors B Alderson and C Hampson

Also Present:

Councillor E Bell

K Monaghan – Senior Licensing Officer

S Grigor – Legal Officer

Suchittra Nadon – Applicant, Nadon Thai Restaurant

Mr Geoff Whitehead – DPS, Nadon Thai Restaurant

Sgt T Robson – Durham Constabulary

Applicant for Personal Licence

At this point Councillor E Bell left the meeting.

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Review of a Premises Licence - The Red Lion, Burnhope Way, Peterlee

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of a review application in respect of The Red Lion, Burnhope way, Peterlee (for copy see file of Minutes).

A copy of the application and supporting documents had been circulated to Members. The licence holder's Solicitor had also replaced the existing DPS by submitting an application to vary the DPS.

Members were advised that successful mediation had taken place between the applicant (the Police) and the licence holder, details of which had been circulated.

The Police and the licence holder 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 the additional conditions submitted in the minor variation.

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 in accordance with the mediation agreement the following additional conditions be added to the Premises Licence:-

- (a) A CCTV system shall be designed, installed and maintained in proper working order to the satisfaction of, and in connection with, Durham Constabulary. Such a system shall:
 - (i) be operated by properly trained staff;
 - (ii) be in operation at all times the premises are open to the public;
 - (iii) ensure coverage of all public entrances and exits to the licensed premises;
 - (iv) ensure coverage of such other areas as may be required by the Licensing Authority and Durham Constabulary;
 - (v) provide continuous recording facilities for each camera to a good standard of clarity;
 - (vi) such recordings shall be retained on for a period of 28 days and shall be supplied to the Licensing Authority or Police Officer upon reasonable request

- (b) A minimum of two door supervisors shall be provided on a Thursday, Friday and Saturday. On such occasions door supervisors shall be employed from 21.00 until close. Door supervisors shall be provided outside these times at the discretion of Durham Police for specific events where their presence is justified and necessary, for example on Bank Holiday Mondays. A record shall be kept at the premises of door staff employed including times and dates, their name and badge number.

- (c) All staff will be trained on their responsibilities under the Licensing Act, with a 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 Police, Trading Standards or the Licensing Authority upon request. Such training will be refreshed every six months. Refresher training will also be documented. New members of staff will be trained prior to starting work, where such start dates should fall between training dates, and that training shall be documented.

- (d) A refusals book, incident book and toilet check book shall be kept at the premises. They shall be utilised and maintained at all times. Entries shall be authorised by DPS on a regular basis. These books shall be available to the Police on request.
- (e) All members of staff at the premises shall seek credible photographic proof from any person who appears to be under the age of 25 and is seeking to purchase alcohol. Such credible evidence shall include a photograph of the customer which will either be a passport, photographic driving licence or proof of age carrying a PASS logo. The same policy shall be operated by door supervisors, before permitting entry to the premises, on any occasion they are employed at the premises. There shall be posters at the premises to promote the Challenge 25 Policy.
- (f) The Designated Premises Supervisor or other responsible person appointed by the Designated Premises Supervisor shall take part in Police led initiatives as well as regularly attend any meetings organised by the Police in relation to those initiatives and operating an APEX radio, or similar device (when such are available and operating in the locality).
- (g) The Designated Premises Supervisor or other responsible person appointed by the Designated Premises Supervisor shall take part in Police led initiatives as well as regularly attending any meetings organised by the Police in relation to those initiatives and operating an APEX radio, or similar device (when such are available and operating in the locality).
- (h) The Designated Premises Supervisor or other responsible person appointed by the Designated Premises Supervisor shall communicate with the Police in order to identify and address incidents of disorder connected with the premises. All incidents of anti-social behaviour or crime and disorder inside and directly outside the premises shall be reported to the Police by any member of staff in a position to do so.
- (i) The Premises shall operate an Outside Management Policy, which shall be designed and operated with the intention of reducing the potential impact of customers leaving the premises or customers in the area immediately outside of the premises. This is a policy which can be revised to reflect changes and patterns identified responsible bodies, particularly the Police.
- (j) Staff at the premises shall ensure that when regulated entertainment is taking place all windows and doors must be kept shut except for access and egress. All external doors at the premises shall be self-closing.
- (k) The Premises Licence holder will, for the period of six months from 1st October 2013 provide monthly updates to the Police Licensing Department in relation to refusals and incidents at the premises. Any serious incidents or concerns will of course be reported immediately. The above is agreed as a means of identifying trends and potential issues with a view to preventing crime and disorder.

- (l) The premises shall operate a three phase search policy at the premises for the purpose of preventing drug use and identifying possession of offensive weapons. This shall include the random searching of individuals entering the premise, whilst inside of the premise and for regular toilet inspections to be made for persons using controlled drugs such a policy will form part of the premises Drugs Policy.
- (m) The premises will use and utilise a drug safe, in line with their drug policy.
- (n) There shall be security briefings at the beginning and end of door supervisors shift at the premises. Such shall be documented. These briefings shall feed into and disseminate information from Pubwatch, any meetings which take place with the Police.

5 Application for the Grant of a Premises Licence - Nadon Thai Restaurant - 69-70 Crossgate, Durham

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for the grant of a Premises Licence in respect of Nadon Thai Restaurant, 69-70 Crossgate, Durham (for copy see file of Minutes).

A copy of the application and location plan had been circulated to Members together with details of two relevant representations from other persons.

Following successful mediation between the applicant and Durham Constabulary the applicant had agreed to amend their application and include additional conditions. Details of the mediation had been circulated to Members.

Mr G Whitehead, the DPS addressed the concerns of Professor Wood and Mrs Gillian Conway. Based on his experience at the applicant's restaurant in Morpeth he did not believe that the premises would attract the type of clientele referred to by Mrs Conway in her written representations. Following mediation the applicant had amended the opening hours and alcohol would only be served incidental to a seated substantial table meal. These measures should prevent the premises becoming a vertical drinking establishment.

A designated area had been identified for the storage of rubbish and staff would monitor the front of the restaurant. He would be happy for this to be included as a condition on the Premises Licence if deemed necessary.

Referring to points 6 and 7 in Mrs Conway's representations he stated that the amended opening hours and additional conditions should address her concerns. In his experience the type of people who would visit the premises would not consume a lot of alcohol, drinks such as shots would not be sold and alcohol would not be served after 10.30pm.

In addressing Professor Woods' concerns Mr Whitehead reiterated that they had reduced the hours for the sale of alcohol from 11.00pm to 10.30pm. It was unlikely

that there would be queues outside the premises as this was more associated with nightclubs. Bins would be located outside for smokers but as their focus was on food, customers who needed to smoke would not stand outside for long periods of time. The provision of live music had been withdrawn from the application.

Any problems with the Licence could be addressed at the end of the 12 month licence period.

At 10.19am all parties retired to allow Members to deliberate the application in private. After re-convening at 10.22am 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 the Mediation Agreement, the written representations of Professor Woods and Mrs Conway, and the verbal representations of the DPS.

Resolved:

That the Premises Licence be granted subject to the following conditions/provisos:-

- (a) The licence to be for the duration of no more than 12 months;
- (b) sale of alcohol – 11.00 to 22.30 hours Monday to Sunday; 11.00 hours on New Years Eve until 01.00 hours on NEW Years Day;
- (c) alcohol only to be served incidental to a seated substantial table meal
- (d) opening hours – 11.00 to 23.00 hours Monday to Sunday, 11.00 hours on New Years Eve until 0.200 hours on New Years Day;
- (e) removal of the provision of live music as a licensable activity;
- (f) alcohol will only be served incidental to a seated substantial table meal;
- (g) there will be no consumption of alcohol by persons whilst standing within the premises;
- (h) there will be no provision of takeaway meals from the premises at any time after 23.00 hours
- (i) Challenge 25 will be operated;
- (j) CCTV will be installed both inside and outside of the premises covering access and egress and all public areas. The system will be to a high standard, will record for 28 days and will be accessible upon request by the Responsible Authorities. Staff will be trained in its operation and there will always be an operator present whilst licensable activities are offered.

6 Exclusion of the Public

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 5 of Schedule 12A to the said Act.

7 Application for a Personal Licence

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for a Personal Licence (for copy see file of Minutes).

Members heard representations from the Police and the applicant before asking all parties to retire to allow the Sub-Committee to deliberate the application in private at 10.40am.

On returning at 10.57am the Chair delivered the Sub-Committee's decision.

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

Resolved:

That as the Sub-Committee was not entirely satisfied that at present the applicant was a fit and proper person to hold a Personal Licence given the background of offending, the application be refused. This was in order to promote the licensing objective Prevention of Crime and Disorder.