

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 1A, County Hall, Durham on **Tuesday 8 October 2013 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors B Alderson, J Hart, A Hopgood and J Lee

Also Present:

S Buston (Solicitor)

K Monaghan (Senior Licensing Officer)

Mr G Davison (Nuisance Action Team Leader)

Mr J Dodds (Environmental Protection Officer)

Mr D Johnson (Director – 1898 Leisure Limited)

Dr C D Latimer (Director – 1898 Leisure Limited)

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 Grant of a Premises Licence - Bar 1898, The Old Bank, Newmarket Street, Consett

Councillors C Carr (Chairman), A Hopgood and J Hart

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application by 1898 Leisure Limited for the grant of a premises licence in respect of Bar 1898, The Old Bank, Newmarket Street, Consett (for copy see file of minutes).

A copy of the application form and location plan had been circulated to Members.

The Senior Licensing Officer advised the Sub-Committee that successful mediation had taken place with Durham Constabulary and Environmental Health details of which were contained within the report.

A letter of objection had also been received from an 'other person' who was unable to attend the hearing but asked for members to consider her letter of objection which related to the Prevention of Public Nuisance.

Members were provided with a copy of the large plans showing the layout of the premises. The Directors of 1898 Leisure Limited went through the details of the proposed layout of the premises with Members.

Mr J Dodds, Environmental Protection Officer (Neighbourhoods) advised members of the steps that had been taken during mediation.

Councillor Hopgood sought clarification on the kitchen in particular if hot food would be provided. The Directors responded that initially they intended to provide bistro style food and eventually have a separate dining area with background music which would have it's own kitchen.

The Solicitor sought clarification on where the objector lived in relation to the premises. Members were provided with this information.

The Applicant's addressed the Sub-Committee stating that they purchased the building 5 years ago for a care business which had expanded so they needed new premises. They wanted to renovate the building and thought it was a nice area for a bar. He had been around the world and wanted to create a nice venue with high quality fixtures and fittings which would attract a different market in Consett. He wanted people to come to the bar for a couple of hours and not as a bar on the circuit. He anticipated that it would attract couples as it would have a comfortable seating area and they would serve coffees during the day but would have door supervisors on the door in an evening. A contemporary bar was something that Consett did not have at the minute.

The Committee left to deliberate the application in private at 10.20 am. After reconvening at 10.30 am the Chairman 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 documentation and the verbal representations of the Applicant and Responsible Authorities. They also took into account the written representations of the Interested Party.

Resolved:

That the application for a premises licence be granted as follows:-

Opening hours of the premises	Sunday – Thurs	10.30 – 00.00
	Fri – Sat	10.30 – 02.00
	Xmas Eve	10.30 – 01.00
	New Year's Eve	10.30 – 03.00

Sale of Alcohol (for consumption on the premises)	Sunday – Thurs	10.30 – 23.30
	Fri – Sat	10.30 – 01.30
	Xmas Eve	10.30 – 01.00
	New Year’s Eve	10.30 – 03.00
Live Music (indoors only)	Mon – Sun	19.30 – 22.30
Recorded Music (indoors only)	Sunday – Thurs	10.30 – 00.00
	Fri – Sat	10.30 – 02.00
	Xmas Eve	10.30 – 01.00
	New Year’s Eve	10.30 – 03.00
Performance of Dance	Sunday – Thurs	10.30 – 00.00
	Fri – Sat	10.30 – 02.00
	Xmas Eve	10.30 – 01.00
	New Year’s Eve	10.30 – 03.00

The Sub-Committee considered the conditions suggested within the Amended Operating Schedule of the application and believed it was necessary and proportionate to impose the following conditions upon the licence:

GENERAL - ALL FOUR LICENSING OBJECTIVES

- 1) To adhere to the Portman Group Code of Practice on the naming, packing and promotion of alcoholic drinks.
- 2) The DPS will remain responsible for the premises at all times. It is good practice for the DPS to be present on the premises during periods of high customer numbers or when the bar will be open late. The DPS will maintain a nominated person list including the Bar Manager and Deputy Bar Manager to act on the authority of the DPS when not present. A person on the nominated list will be present on Friday and Saturday evenings between 22.00 hours and closing time.

THE PREVENTION OF CRIME AND DISORDER

- 3) A digital CCTV system fully compliant with the CCTV Code of Practice will be installed. The system will record images which will be stored digitally for a minimum of one month. To co-operate with the Police and Licensing Authority in the viewing of the images.

The cameras will be:

- a) Installed internally in the Main Bar, Lounge, Dining Room and Cellar bar;
- b) Fully maintained; and
- c) Cover all access points.

- 4) All access points (including windows) will be alarmed when the building is not open to the public.
- 5) All doors will have secure locks and the toilets areas will also be locked when not in use.
- 6) All excess stock will be stored in a separate locked section of the cellar with restricted access.
- 7) All drinks will be served in toughened glass. All wall mounted objects will be securely fixed.
- 8) Fruit and Quiz Machines will be in a prominent place in the Main Bar. The cash will be removed every night and placed in the building's safe.
- 9) Cash Registers will be behind the bars with no access to the public. All cash will be removed at night and the register left open. The building has a large walk-in safe (former bank) for the temporary storage of money.
- 10) To employ door staff registered with the Security Industry Authority (SIA). SIA door supervisors will be employed Friday, Saturday and Sunday evenings from 19.30 hours to closure. Two door supervisors will be on duty at the start of the shift and increased at a ratio of 1:100 throughout the evening. Security staff will also be employed on Bank Holidays and during other major events. The number of door staff will be proportional to the number of access points and the capacity of the bar areas.
- 11) The security staff will be tasked:
 - a) To monitor and to restrict access to the premises and circulate inside the premises, dealing with troublemakers and escorting them from the premises.
 - b) To carry out random drug and weapon searches of customers.
 - c) To monitor the flow of customers to prevent overcrowding.
 - d) To maintain an Incident Book on the premises. This book will record all incidents (including crimes or customer complaints) occurring on, and in the vicinity of, the premises which could be used as evidence at a later date. The Incident Book will also include records of any weapons found on the premises.
 - e) The Book will record:
 - i) The date, time and description of the incident;
 - ii) The names, or description of, those involved; and,
 - iii) The member of staff dealing with the incident.

- 12) All bar staff will complete the Responsible Alcohol Retailing Course (BIIAB level 1) and records of this training will be maintained on site. Staff will also receive formal training in Moving and Handling, First Aid and Drugs Awareness.
- 13) To have a zero tolerance of the sale and use of illegal drugs. To have a formal Drugs Prevention Policy which will include, as a minimum, the following preventative measures:
 - a) The regular swabbing of toilets and other public areas;
 - b) Our bar staff will be familiar with the Home Office Drug Strategy booklet on Safer Clubbing;
 - c) The installations of toilets that reduce drug use;
 - d) Allow free access of drug dogs to the premises;
 - e) Display drug awareness posters; and
 - f) Undertaking drug awareness training with staff.
- 14) To join the Pubwatch scheme and co-operate with other local Licensing on a barring list. To co-operate with other businesses via membership of the Consett Traders Association.

PUBLIC SAFETY

- 15) To undertake the following actions to maintain public safety:
 - a) fully comply with all statutory fire safety controls.
 - b) fully comply with all food safety regulations.
- 16) There will be a member of staff qualified in emergency First Aid present at all times.
- 17) The occupancy of the premises will be tightly controlled by door staff to prevent overcrowding.
- 18) The premises will be air conditioned to prevent over-heating.
- 19) To employ a suitably qualified Health and Safety Officer who will produce a detailed Health and Safety Policy with associated risk assessments to mitigate the potential dangers posed to customers, staff members or other parties.
- 20) To produce detailed policies, procedures and working practice to comply with the Disability Discrimination Act. Disabled access will be available to the Main Bar and Dining Room; Disabled Toilets are to be located on the Ground Floor.
- 21) The outside of the premises on Newmarket Street and Gibson Street will be permanently lit during the hours of darkness.

THE PREVENTION OF PUBLIC NUISANCE

Noise

- 22) To ensure that live entertainment only takes place in the underground Cellar Bar.
- 23) Windows and doors will be kept closed during the playing of live and recorded music (air conditioning is to be installed). Should a long sliding door on the frontage to Gibson Street be installed such doors will be closed no later than 20.00 hours. Only recorded music will be played when the doors are open, at a background level.
- 24) All windows will be double glazed.
- 25) A noise assessment will be carried out as part of the planning process and will be approved prior to the premises opening. The assessment will cover all aspects of the building's ventilation and the proposed air conditioning to be installed. A noise limiter, when installed, will be used whenever regulated entertainment is taking place, the setting to be approved by an officer of the noise action team.
- 26) The main entrance to the bar on Newmarket Street will have a porch.
- 27) Signs will be placed on the Gibson Street exits to remind customers to leave quietly. A Formal Dispersal Policy will be in place.
- 28) No speakers will be placed on the back wall of the building.

Litter

- 29) All refuse bins are to be stored (and retrieved for disposal) at the rear of the Old Bank Building; this area is not open to the public.
- 30) No bottle bins (or other refuse bins) will be filled or emptied outside the building between 21:00 and 08:00.
- 31) Wall mounted cigarette bins are to be installed on the outside of the building.
- 32) The only places smoking will be permitted are in the terraced area to the rear of the premises and under the retractable canopy to the side of the premises.

THE PROTECTION OF CHILDREN FROM HARM

- 33) To have a Children's Policy. Those under 16 years of age will not be allowed onto the premises except where accompanied by an adult. No-one under 16 years of age will be allowed in the Main Bar, Lounge and Cellar Bar after 19:30, excepting those in the Dining Area accompanied by an Adult. The only exception to these rules would be if an area had been booked for a

private function. No persons under 16 years of age will be allowed at any of the bars.

- 34) To operate a Challenge 25 Scheme and suitably train staff in its implementation.
- 35) There will be no entertainment of an adult nature on the premises. A limited number of Fruit and Quiz Machines are intended for the Main Bar area only.
- 36) To operate a refusals book recording every incident whereby someone under the age of 18 has been refused alcohol on the premises.

Mr G Davison and Mr J Dodds left the Meeting

5 Consideration of a Temporary Event Notice - Montgomery's, 103 Front Street, Stanley

Councillors C Carr (Chairman), B Alderson and J Lee

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for a Temporary Event Notice in respect of Montgomery's, 103 Front Street, Stanley (for copy see file of minutes).

A plan showing the location of the premises had been circulated to Members.

Montgomery's Public House currently held a premises licence issued under the Licensing Act 2003 a copy of which had been circulated to Members together with a copy of the Temporary Event Notice.

On 30th September the Licensing Authority had received an objection notice from Durham Constabulary on the grounds of the Prevention of Crime and Disorder. They considered it appropriate that all conditions currently attached to Montgomery's Premises Licence were also attached to the Temporary Event Notice for the promotion of the licensing objective, details of which had been circulated.

Members were advised that the premises user confirmed her agreement to the conditions from the premises licence been attached to the Temporary Event Notice. A copy of the signed Mediation documentation had been circulated to Members.

In determining the application Members considered the report of the Licensing Officer and the Mediation Agreement. The Sub-Committee also took 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 view of the mediation agreement between all parties the Temporary Event be allowed to proceed subject to the premises licence conditions being imposed for the duration of the event.