

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - Council Offices, Spennymoor on **Tuesday 24 January 2012 at 10.00 am**

Present:

Councillor D Marshall (Chair)

Members of the Committee:

Councillors B Alderson, B Arthur and B Graham

Also Present:

Councillor B Arthur
S Buston – DCC Legal Officer
H Johnson – Licensing Team Leader
G Keay – Licensing Team Leader
A Crammond – Barrister for Durham Constabulary
Sgt T Robson – Durham Constabulary
PC Bradley – Durham Constabulary
PCSO Williamson – Durham Constabulary
J Gillead – Applicant's Agent
N Sutton - Applicant

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 Minutes of the Meetings held on 28 November 2011, 21 December 2011 and 3 January 2012

The Minutes of the meetings held on 28 November 2011, 21 December 2011 and 3 January 2012 were agreed as a correct record and were signed by the Chair.

3 Application for the Grant of a Premises Licence - The Stanefordham Inn, The Grove, Consett

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 The Stanefordham Inn, Consett (for copy see file of Minutes).

Prior to hearing the submissions of both parties, consideration was given to the notes of a meeting held between the Police and the applicant which had been provided by the applicant's agent as part of their submission. The Police had objected to the document on the grounds that the meeting did take place on a 'without prejudice' basis and that this had been made clear at the start of

discussions. Statements to this effect had been circulated with the papers for the hearing.

In response J Gillead stated that she believed that the purpose of the meeting was to discuss the suitability of the applicant as well as to agree conditions, however it had turned into a discussion regarding Mr Young. Her notes were an accurate record of the discussions and at no point during the meeting had she been advised that it was on a 'without prejudice' basis.

Members retired at 10.55am to discuss the submissions made and re-convened at 11.00am. The Chair advised that the Sub-Committee had concluded that the mediation meeting had taken place on a without prejudice basis and that no weight would be attached to the notes.

With the agreement of all parties, J Gillead, the applicant's agent submitted a copy of a Lease between Mr Sutton, tenant and Tyne Management, lessors.

A Crammond, the Barrister on behalf of Durham Constabulary invited Sgt Robson to add to his witness statement dated 30 December 2011. He explained that the premises had a colourful history and was still owned by Tyne Management Ltd, of which Mr Young was a director. He considered that strong management was required to deal with Mr Young and his associates. He did not believe that Mr Sutton was a strong character and he had developed a friendship with Mr Young when he worked at the Travellers Rest, which was of concern.

PC Bradley added to his statement dated 18 November 2011 and reiterated the views of Sgt Robson that Mr Young was controlling and used vulnerable people to be a front for a business that he controlled.

In response to a number of questions Sgt Robson advised that Mr Young not only rented properties to those associates who had pleaded guilty but had also employed some of them. The drugs had not been found on the licensed premises but in the adjacent annex and this could be accessed directly from a room in the Stanefordham Inn. A number of visits to the premises had been carried out by the Police and on each occasion individuals were present that were known to be associated with drugs misuse.

Sgt Robson also confirmed that Mr Young had been found not guilty in court and that the applicant did not have any reported criminal convictions against his name. He was not aware of Mr Sutton's previous history at other licensed premises as details had not been provided to him.

J Gillead, the applicant's agent gave a background to Mr Sutton's experience in the licensed trade and his plans for the premises. Mr Sutton had been asked to facilitate the re-opening of the Travellers Rest where he became acquainted with Mr Young as a customer. He had no criminal convictions and conditions had already been agreed with the Police to promote the 4 licensing objectives. The Police had not objected to Mr Sutton, their concerns were in relation to the owners of the premises and she believed that this was an entirely separate issue.

In response to a number of questions Mr Sutton confirmed that he had experience of working in premises where drugs problems had been encountered. He would be responsible for the day to day running of the premises and would live on-site, but as with any other public house he would employ an Assistant Manager for those occasions he was not present. The Assistant Manager would not be a 21 year old as had been suggested.

Mr Sutton confirmed that he knew of Mr Young's court case and that he knew him as a customer in the Travellers Rest but that he was treated no differently to any other customers. He had only spoken to Mr Young a few times and gave details of those occasions. He was not aware of the premise's potential links to drugs and that he was completely independent of Mr Young despite the comments made in the newspaper article circulated with the papers. Mr Young had not sparked his interest in making the application.

With regard to the lease, J Gillead confirmed that this had been arranged via e-mail correspondence as Mr Hill of Tyne Management Ltd lived abroad. The signing of the Agreement had been done after Mr Sutton had made his application which she believed demonstrated his commitment.

In summing up, A Crammond stated that the Police had no objections to Mr Sutton but were concerned about his connections with Mr Young. Mr Young had control of Tyne Management Ltd and he had a history of attempting to obtain licences through others. Mr Young's comments in the newspaper, whilst not quotations did state his intention to re-open and run the pub. It was clear that there was a very real risk of the licensing objectives being undermined.

The drugs that had been found at the property were substantial, and although Mr Young had been found not guilty because the burden of proof was 'beyond all reasonable doubt', the Sub-Committee needed to apply a different test and determine whether or not, on the balance of probability, the licensing objectives would be at risk of being undermined.

J Gillead reiterated her previous comments and stated that this application was about Mr Sutton who was an experienced Premises Licence Holder and who had demonstrated his commitment to this business through a 3 stage plan and the signing of a 5 year lease. He had no convictions and his association with Mr Young was only through Tyne Management Ltd.

The hearing was adjourned to allow Members to deliberate the application in private at 11.50am.

After re-convening at 12.40pm the Chair delivered the Sub-Committee's decision.

In reaching its decision the Sub-Committee had considered the report of the Licensing Officer, together with the written and verbal representations of the Police and the applicant. They 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 Premises Licence be granted as follows:-

Opening hours of the premises	<p>Monday to Sunday 09.00 to 00.30</p> <p>A further additional hour into the morning on every Friday, Saturday, Sunday and Monday for each Bank Holiday ie May, Spring/Whitsun</p> <p>A further hour into the morning on every Thursday, Friday, Saturday, Sunday and Monday for Easter Bank Holiday weekend</p> <p>A further additional hour every Christmas Eve and Boxing Day</p> <p>A further additional hour on New Years Eve</p>
e) Live music (indoors)	<p>Monday to Sunday 10.00 to 00.00</p> <p>A further additional hour into the morning on every Friday, Saturday, Sunday and Monday for each Bank Holiday ie May, Spring/Whitsun</p> <p>A further hour into the morning on every Thursday, Friday, Saturday, Sunday and Monday for Easter Bank Holiday weekend</p> <p>A further additional hour every Christmas Eve and Boxing Day</p> <p>A further additional hour on New Years Eve</p>
f) Recorded music (indoors)	<p>Monday to Sunday 10.00 to 00.00</p> <p>A further additional hour into the morning on every Friday, Saturday, Sunday and Monday for each Bank Holiday ie May, Spring/Whitsun</p> <p>A further hour into the morning on every Thursday, Friday, Saturday, Sunday and Monday for Easter Bank Holiday weekend</p>

	<p>A further additional hour every Christmas Eve and Boxing Day</p> <p>A further additional hour on New Years Eve</p>
g) Performance of Dance (indoors)	<p>Monday to Sunday 10.00 to 00.00</p> <p>A further additional hour into the morning on every Friday, Saturday, Sunday and Monday for each Bank Holiday ie May, Spring/Whitsun</p> <p>A further hour into the morning on every Thursday, Friday, Saturday, Sunday and Monday for Easter Bank Holiday weekend</p> <p>A further additional hour every Christmas Eve and Boxing Day</p> <p>A further additional hour on New Years Eve</p>
h) Anything of a similar description to that falling within e), f) or g) (indoors)	<p>Monday to Sunday 10.00 to 00.00</p> <p>A further additional hour into the morning on every Friday, Saturday, Sunday and Monday for each Bank Holiday ie May, Spring/Whitsun</p> <p>A further hour into the morning on every Thursday, Friday, Saturday, Sunday and Monday for Easter Bank Holiday weekend</p> <p>A further additional hour every Christmas Eve and Boxing Day</p> <p>A further additional hour on New Years Eve</p>
i) Making music (indoors)	<p>Monday to Sunday 10.00 to 00.00</p> <p>A further additional hour into the morning on every Friday, Saturday, Sunday and Monday for each Bank Holiday ie May, Spring/Whitsun</p> <p>A further hour into the morning on every Thursday, Friday, Saturday, Sunday and Monday for easter Bank Holiday weekend</p>

	<p>A further additional hour every Christmas Eve and Boxing Day</p> <p>A further additional hour on New Years Eve</p>
j) Dancing (indoors)	<p>Monday to Sunday 10.00 to 00.00</p> <p>A further additional hour into the morning on every Friday, Saturday, Sunday and Monday for each Bank Holiday ie May, Spring/Whitsun</p> <p>A further hour into the morning on every Thursday, Friday, Saturday, Sunday and Monday for Easter Bank Holiday weekend</p> <p>A further additional hour every Christmas Eve and Boxing Day</p> <p>A further additional hour on New Years Eve</p>
k) Provision of facilities for entertainment of a similar description to that falling within i) or j) (indoors)	<p>Monday to Sunday 10.00 to 00.00</p> <p>A further additional hour into the morning on every Friday, Saturday, Sunday and Monday for each Bank Holiday ie May, Spring/Whitsun</p> <p>A further hour into the morning on every Thursday, Friday, Saturday, Sunday and Monday for Easter Bank Holiday weekend</p> <p>A further additional hour every Christmas Eve and Boxing Day</p> <p>A further additional hour on New Years Eve</p>
l) Late Night Refreshment (indoors)	<p>Monday to Sunday 10.00 to 00.00</p> <p>A further additional hour into the morning on every Friday, Saturday, Sunday and Monday for each Bank Holiday ie May, Spring/Whitsun</p> <p>A further hour into the morning on every Thursday, Friday, Saturday, Sunday and Monday for Easter Bank</p>

	<p>Holiday weekend</p> <p>A further additional hour every Christmas Eve and Boxing Day</p> <p>A further additional hour on New Years Eve</p>
m) Sale of alcohol (on and off the premises)	<p>Monday to Sunday 10.00 to 00.00</p> <p>A further additional hour into the morning on every Friday, Saturday, Sunday and Monday for each Bank Holiday ie May, Spring/Whitsun</p> <p>A further hour into the morning on every Thursday, Friday, Saturday, Sunday and Monday for Easter Bank Holiday weekend</p> <p>A further additional hour every Christmas Eve and Boxing Day</p> <p>A further additional hour on New Years Eve</p>

The Committee considered it to be necessary and proportionate to impose the following conditions upon the licence:-

- i) Challenge 25 will be used in the premises. Any person believed to be under the age of 25 must be asked to provide photo identification (via a passport, driving licence or PASS hologram ID card) confirming their age. If identification is requested and refused then no sale of alcohol will take place.
- ii) Staff training will be implemented and recorded to ensure they are fully compliant with the Challenge 25 scheme. Training and re-training to take place on a regular basis, at least every six months, by the Designated Premises Supervisor. Records of such shall be made available to all responsible authorities upon request.
- iii) A refusals register, incident log and training record shall be maintained with all records to be signed by staff as appropriate and viewed regularly by the Designated Premises Supervisor. Such records shall be made available to all responsible authorities upon request.
- iv) The premises shall be fitted with a digital CCTV system which is operational upon the sale of alcohol. The system should have a recording facility available to keep data for 28 days, of which recordings cover the interior and exterior of the premises, including any rear doors, rear yards,

outbuildings, garages and car parks. The system will be maintained in good working order, such footage to be made available within 48 hours of a request by the Police or any other responsible authority

- v) There shall be sufficient members of staff trained in the operation of the CCTV system (to include viewing and downloading of images)
- vi) The premises will display prominent notices emphasising that sales to under 18s are illegal and customers will be asked to produce identity of their age if they appear to be under 25
- vii) Notices will be displayed at the entrance, exit and throughout the premises confirming that CCTV is in operation
- viii) Notices will be displayed encouraging customers to leave quietly
- ix) The Premises Licence Holder shall become an active member of the Pub Watch Scheme