

DURHAM COUNTY COUNCIL

Statutory Licensing Sub-Committee

At a Meeting of the **Statutory Licensing Sub-Committee** held in the **Council Chamber, County Hall, Durham** on **Tuesday 15 November 2022** at **1.30 pm**

Present:

Councillor J Blakey (Chair)

Members of the Sub-Committee:

Councillors C Hampson, C Hunt and I McLean

Apologies:

Apologies for absence were received from Councillors E Waldock

Also Present:

H Johnson – Licensing Team Leader

C Hazell – Council's Solicitor

Applicant and Premises Licence Holder:

Mr J McDonald

Responsible Authority:

Inspector C Dickenson, Durham Constabulary

PC A Newcombe, Durham Constabulary

1 Apologies for Absence

Apologies for absence were received from Councillor E Waldock.

2 Substitute Members

No substitute members were present.

3 Declarations of Interest

There were no declarations of interest.

4 Application to Vary a Premises Licence to Specify an Individual as Designated Premises Supervisor - Chaplains, 17-21 Front Street, Consett, Co. Durham, DH8 5AB and Application to Vary a Premises Licence to Specify an Individual as Designated Premises Supervisor - K2/Time, 7-9 Front Street, Consett, Co Durham, DH8 5AF

Prior to the presentation of the reports, the Council's Solicitor explained that although four Sub-Committee members were present to hear the application, only three of those members would make the decision. The additional member was present to hear the application in order that, in the event that a member had to retire due to unforeseen consequences, the additional member could substitute, thereby avoiding the necessity to rearrange the hearing. The Council's Solicitor then outlined the procedure for the hearing.

The Licensing Team Leader presented the reports for the applications to vary the premises licence to specify an individual as designated premises supervisor for Chaplains, 17-21 Front Street, Consett, Co Durham, DH8 5AB and K2/Time 7-9 Front Street, Consett, DH8 5AF (for copies of reports see file of minutes).

The Sub-Committee agreed to consider the applications together, noting that both applications named Mr James McDonald as the proposed designated premises supervisor and the representations received in respect of both applications were from Durham Constabulary, in objection, on the grounds that granting the applications would undermine the crime prevention objective.

The Licensing Team Leader outlined the options for the Sub-Committee were to grant the applications or to reject the applications, if it was considered necessary to do so, for the promotion of the crime prevention objective.

No questions were raised in respect of the Licensing Team Leader's report.

Representing the Responsible Authority, Inspector C Dickenson, explained why it considered the granting of the applications would undermine the crime prevention objective. On 8 August 2022, a licensing check was carried out at Chaplains which found several conditions under annex 2 of the licence were not being adhered to. These included; staff training had not been carried out, training records were not on site, there were no logs available pre-dating July 2022, on three occasions during July and August the minimum number of three door staff had not been adhered to, and, door supervisor logs were incorrectly completed. In addition, CCTV footage showed customers drinking outside the premises after 11 pm, which breached conditions.

Following serious incidents at Chaplains and K2/Union, summary reviews found that Mr McDonald, who, at the time, was the premises licence holder at both premises, employed door supervisors who were not licensed with the SIA. Durham County Council prosecuted Mr McDonald and on 13 September 2022 Mr McDonald was convicted of two offences of carry-on licensable activity on / from premises other than in accordance with an authorisation between 7 July 2021 to 3 November 2021. One of the offences related to Chaplains and the other to K2/Union. Durham Constabulary subsequently requested Durham County Council to consider the revocation of Mr McDonald's personal licence. In conclusion, Inspector Dickenson stated that in light of the evidence in respect of the premises, the breach of licence conditions and the recent conviction, Durham Constabulary had no faith that Mr McDonald, as the designated premises supervisor, would uphold the crime prevention objective.

No questions were raised in respect of the submission from the Responsible Authority.

Presenting his submission, Mr McDonald, Applicant, accepted full responsibility for his wrong-doing. He expressed frustration that, in his view, the mistakes of the past were preventing him from carrying out business in the future. He added that the Licensing Enforcement Team had carried out an inspection of Chaplains on 10 November 2022 and the door logs and staff training logs were confirmed to be correct and the documents were available for inspection by the Sub-Committee if it wished to do so. Mr McDonald stated that in August, the door staff company changed due to the problems experienced and, since then, he had worked with the police to ensure all conditions were met and any faults were rectified to the best of his ability.

The Licensing Team Leader updated the Sub-Committee that the Enforcement Team's investigation into the alleged breaches of conditions were ongoing and therefore she was unable to comment on the proceedings. In response to a question from the Sub-Committee, the Licensing Team Leader clarified Mr McDonald's personal licence was permanent, however, due to the recent convictions, the personal licence was subject to review.

All parties were then given the opportunity to sum-up.

Inspector Dickenson clarified that a designated premises supervisor must hold a personal licence and Mr McDonald's personal licence was under review, therefore, if he was to lose his personal licence, he would not be eligible to be a designated premises supervisor. Mr McDonald had been the premises licence holder when failings had occurred and Inspector Dickenson reiterated the concerns regarding the running of the premises. Mr McDonald highlighted that the police advised that he should obtain a personal licence and he had carried out the action as advised.

At approximately 1.50 pm, the Sub-Committee (Councillors Blakey, Hunt and McLean) **Resolved** to retire in private to determination the applications. After re-convening at approximately 2.05 pm, the Chair delivered the decision of the Sub-Committee. In reaching their decision the Sub-Committee considered the reports of the Licensing Team Leader and the representations from the Responsible Authority and the Applicant. Members also took into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

RESOLVED:

That the applications to vary the premises licence to specify an individual as designated premises supervisor at Chaplains, 17-21 Front Street, Consett, Co Durham and K2/Time, 7-9 Front Street, Consett, Co Durham be rejected for the promotion of the crime prevention objective.

5 Application to Vary a Premises Licence to Specify an Individual as Designated Premises Supervisor - K2/Time, 7-9 Front Street, Consett, Co Durham, DH8 5AF

See minute in respect of item 4.