

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in **Committee Room 1A County Hall, Durham** on **Thursday 14 July 2022 at 1.30 pm**

Present:

Councillor J Blakey (Chair)

Members of the Committee:

Councillors A Batey and W Stelling

Also Present:

Helen Johnson – Licensing Team Leader

Kelsey Tate – Licensing Officer

Stephen Buston – Legal Adviser

Objectors

Councillor Priscilla Elmer – Brandon and Byshottles Parish Council

Susan Howe - Clerk, Brandon and Byshottles Parish Council

Applicant

Craig Lynch

Victoria Lynch

1 Apologies for Absence

Apologies for absence were received from Councillors David Stoker and Ian McLean.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 1 April, 21 April and 28 April 2022 were agreed as a correct record and were signed by the Chair.

5 Application for the Grant of a Premises Licence - Fun Zone, Unit 1, Skillion Business Centre, Littleburn Industrial Estate, Langley Moor, Durham

The Committee considered a report of the Licensing Team Leader regarding an application for the grant of a Premises Licence in respect of Fun Zone, Unit 1, Skillion Business Centre, Littleburn Industrial Estate, Langley Moor (for copy see file of Minutes).

Helen Johnson presented the report which included a copy of the application and representations.

Councillor Elmer was invited to address the Sub-Committee on behalf of Brandon and Byshottles Parish Council, and stated that their main concern was the overlap of hours for the sale of alcohol with the hours of operation of the soft play area.

The Parish Council was aware of other licensed premises with play areas, but this was a premise whose main business was soft play. She did not feel it was appropriate or wise.

In their supporting information the Parish Council had found research around children's attitude to alcohol. Where children were in a place having fun and saw alcohol consumed it consolidated their attitude towards alcohol – that it was about having fun. The Parish Council did not feel it was a happy combination which was borne out by scientific research.

Looking at other licensed premises with soft play areas these were segregated from the main licensed area. In the Fun Zone there was no scope for segregation, the play area featured around the edge with the seating area in the middle.

The Parish Council noted the conditions agreed with the Police around a drugs policy, Challenge 25, proof of age etc but they did not include Door Supervisors which were required in other licensed premises in Durham.

In conclusion the Parish Council had grave concerns. If the Premises Licence was granted the Parish Council asked that the two areas of operation did not overlap; when the soft play time ended, the premises becomes a licensed restaurant in the evenings.

Following a question from Stephen Buston, the Sub-Committee's Legal Adviser, Councillor Elmer confirmed that their representations had the support of the Parish Council and had been discussed with the local members for Langley Moor in-depth.

Craig Lynch, the Applicant was invited to address the Sub-Committee and commenced by referring to the planning permission for change of use. Reading from the Planning report he confirmed that the takeaway service was ancillary to the main business.

The business had seen an increase in the number of families visiting the premises for food, and parents had said that it would be nice to have a pint or a glass of wine with their meal.

The proposal was not to operate as a bar. He had been in the hospitality business for 25 years and did not want to run a bar. At peak times sessions were limited to two hours only. The Fun Zone was a soft play site which served good food. The business had opened just before lockdown and was gathering pace.

He did not want to change the opening times, the extra hours requested was to offer a takeaway service.

Victoria Lynch stated that the safeguarding of children was paramount and risk assessments were already in place in respect of every aspect of their business. Customers would not be allowed entry without children and their aim was to give families an opportunity to socialise in a safe environment. Children would not be exposed to adverts for alcohol and there would be no offers such as happy hours. Food and drinks would be taken to the tables. Alcohol would not be served without food.

Craig Lynch continued that no other licensed premises in Langley Moor and Meadowfield had Door Supervisors and he had a proven track record of running a safe environment. As regards the concerns of the Parish Council in respect of the overlap of operations, he stressed that it was not a licensed restaurant and would never operate without children present. Later on in a day people would not go to a soft play area for a drink. There were no other businesses like theirs in the local area and people seemed to be on board with what they were doing.

All parties were invited to ask questions.

Helen Johnson referred to the supplementary documents from Craig Lynch which listed a number of statements to address the concerns regarding the sale of alcohol at the Fun Zone. She noted that it had been said that alcohol would be served with the purchase of food but this had not been specified. She also asked if the Applicant would be happy for the statements to be included as conditions, where applicable. This was confirmed by Craig Lynch, and he would be happy to include a condition specifying that alcohol must only be served with food.

Following a question from Councillor Elmer, Craig Lynch confirmed that the hours of soft play would not change, but had requested the extended hours for takeaway deliveries. Councillor Elmer then asked if the Applicant would consider applying for off-licence sales only for the extended hours to accommodate the delivery service.

Mr Lynch confirmed that he did not wish to amend the application.

Councillor Batey asked if there had been any objections from Public Health. Helen Johnson confirmed that the representations from Public Health were comments, not objections.

Following a further question from Councillor Batey, Craig Lynch confirmed that there was an audit trail for the sale of alcohol. Each receipt contained an order number.

Craig Lynch was asked if he would consider allocating a separate area for the consumption of alcohol. Craig Lynch explained that at present parents had 360 degree views of their children and he would want this to continue.

Stephen Buston asked about the proposed takeaway delivery service, and was advised by Craig Lynch that the service was ready for launch but additional staff were required before it could begin.

All parties were given an opportunity to make a final statement.

At 2.15pm the Sub-Committee **Resolved** to retire in private to determination the application. After re-convening at 14.30pm the Chair delivered the Sub-Committee's decision.

In reaching their decision the Sub-Committee considered the report of the Licensing Team Leader, and the written representations of Councillor Taylor, Mr Thompson and Responsible Authorities, together with the written and verbal representations of the Applicant, and Brandon and Byshottles Parish Council. 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 application be granted as follows:

Licensable Activity	Days & Hours	
Supply of Alcohol (on and off sales)	Monday to Friday Saturday Sunday	09.30 – 23.00 hrs 10.00 – 23.00 hrs 11.00 – 23.00 hrs
Open to the public	Monday to Sunday	08.00 – 23.00 hrs

The following conditions shall be attached to the Premises Licence:

- 1) A personal licence holder will be on premises at all times when alcohol is being sold.
- 2) The premises will only sell and supply alcohol, on the premises, as an accompaniment to food sales.
- 3) No customers will be allowed to leave the premises with an open drinking vessel or bottle.
- 4) Persons under the age of 18 years will not be allowed on the premises without an adult.
- 5) No adults are allowed access to the site unless accompanying children (other than adults attending in a professional capacity eg food deliveries, machine repairs) and will not be able to purchase or consume alcohol on site. Security entrance, exit gates and safeguarding procedures.
- 6) All staff will seek credible proof of age evidence from anyone seeking to purchase alcohol who appears to be under 25 years of age.
- 7) The premises will place notices at the entrances and exits reminding customers to leave quietly.
- 8) They will keep rubbish bins and glass refuse away from public access. Rubbish bins will be placed outside the premises to minimise litter.
- 9) Maximum capacity numbers are controlled by a booking system to prevent overcrowding.

- 10) Alcohol (as with all food and drink) is not allowed to be taken from the tables and into the play areas. Signs are to be in place stating that drinks are only to be consumed at tables. Further signs are to be in place requesting that toys remain in their designated areas and therefore not near tables where food / drink is consumed.
- 11) Alcoholic drinks will be served in plastic glasses which are different in shape and size to any soft drink so that they are easily identifiable.
- 12) All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licences including times of operation, licensable activities and all conditions. Refresher training will be carried out every six months and all training will be recorded in a register. The register will be made available to the Police or an authorised officer of the local authority upon request.
- 13) The premises shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by Police or authorised officers of the local authority upon request.
- 14) The premises shall maintain an incident book, which shall be made available to the Police and authorised officers of the local authority upon request.
- 15) A CCTV system will be installed and in operation at all times the premises are being used for licensable activity. It must be operated by properly trained staff. CCTV recording will be retained for a minimum of 28 days.
- 16) The premises will ensure that a trained member of staff is available to operate the CCTV system at all times and download any images requested by Police or an authorised officer of the local authority and provided within 48 hours of a request being made.
- 17) The premises will have a drugs policy in place. Any person seen to be using drugs on the premises will be ejected immediately and barred for a minimum period of 12 months.

Delivery Conditions

- 18) With regard to takeaways, a collection arrangement must be in place ensuring there will be no children on site and adults will not be permitted to enter the site for collection.
- 19) Any alcohol sold will, as part of a takeaway food order, remain unopened. Takeaway orders are to be collected at the front door / hatch without any need to enter the site through the on-site safety entrance.

- 20) Delivery drivers will be trained in relation to their responsibilities under the Licensing Act 2003 and the licensing objectives. Such training will be documented.
- 21) At the time the order is placed a declaration will be required from the person placing the order that they are over 18 years of age and the recipient of the delivery may be required to provide ID in line with Challenge 25.
- 22) Challenge 25 – If the driver considers the recipient of the alcohol appears under 25, recognised photographic identification is to be requested before any alcohol is handed over.
- 23) Acceptable proof of age shall include identification bearing the customer photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport. If no ID is provided when required there will be no delivery.
- 24) Delivery will be refused if the driver believes that alcohol is being purchased on behalf of another person under the age of 18 years. Where a refusal has taken place, the customer will be informed of our refund policy and monies will be returned. This refund will only apply to the alcohol. Food will still be charged. A record of the refusal will be recorded.
- 25) Payments will only be taken by debit or credit card, and no payment is to be taken by the drivers direct. As a result, the drivers will not carry any cash. Customers will not be permitted to increase their alcohol order on delivery as a result. Signs will be placed on delivery vehicles to advertise this fact.
- 26) Alcohol can only be delivered to a residential or business address, and not to a public place.
- 27) Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/debit card.