

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Tuesday 8 May 2012 at 10.00 am**

Present:

Councillor J Shiell (Chair)

Members of the Committee:

Councillors D Brown and K Holroyd (Substitute for Councillor J Wilkinson)

Apologies:

Apologies for absence were received from Councillors J Lee and J Wilkinson

Also Present:

Councillor B Alderson

Clare Greenlay – Principal Solicitor, Litigation

Karen Monaghan – Acting Team Leader

Sgt Tim Robson – Durham Constabulary - Responsible Authority

Jeffrey Turnbull, Assistant Force Solicitor, Durham Constabulary - Responsible Authority (Studio)

Mr Derek Briggs – Objector (Studio)

Mr Rob Smith – On behalf of the Applicant (Studio)

1 Declarations of Interest (if any)

Councillor Shiell indicated that he knew some of the objectors in relation to the application for the Studio, Front Street, Chester-le-Street, but he did not have a friendship or interest with these objectors and had no prejudices.

2 Minutes

The Minutes of the Meeting held on 28 February 2012 were agreed as a correct record and signed by the Chair.

3 Application to Vary a Premises Licence - Murton Pizza, Seaham

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application to vary the premises licence in respect of Murton Pizza, Seaham, a copy of which had been circulated (for copy see file of minutes).

A plan showing the location of the premises and a copy of the application had been circulated to Members together with copies of representations which had been received from the Responsible Authority.

The Acting Team Leader presented the report and provided members with a clearer copy of the circulated menu.

The Applicant had not attended and had not indicated whether he would attend or not. The Applicant was aware of the hearing and attempts had been made to contact him. The Sub-Committee agreed to hear the application in the absence of the Applicant.

Sgt Robson of Durham Constabulary indicated that Murton Pizza was operating outside of their normal hours and they were advertising that they were open until 1.00 am on their menu which was 1 hour beyond their permitted hours authorised by the Premises Licence.

A letter had been hand delivered to the owner of Murton Pizza on 19 January 2012, to advise the Manager that they were unable to serve food beyond their permitted hours. A letter had also been sent to the Manager on 25 January 2012 following his visit to the premises on 21 January 2012 where they were still serving beyond their permitted hours.

Sgt Robson showed a DVD of the Police visit to Murton Pizza on 21 January 2012 as he was wearing an overt body CCTV camera. The DVD showed a woman leaving the premises at 12.03 am who had purchased some food and when the Police entered the premises they were still taking orders and 2 order slips were shown which showed the order time of 12.03 am and 12.04 am. The DVD also showed that the premises had been sold and the new owner had failed to transfer the licence.

The letter sent to the applicant on 21 January 2012 asked him to contact the Licensing Enforcement Team to make an appointment but as far as he was aware he failed to do this and officers were unable to contact him.

Durham Constabulary had concerns of a blatant disregard of the Licensing Act and he had clearly served beyond his permitted hours.

The Solicitor asked Durham Constabulary if they had been back to the premises since this incident. Sgt Robson confirmed that they had not received any further complaints or had any evidence to suggest that the Manager had not complied.

The Sub-Committee sought clarification if the application for the variation of the hours was as a result of the Police visit in January 2012. Sgt Robson confirmed that he believed this was the reason.

At 10.35 am Members retired to deliberate the application in private. After re-convening at 10.50 am the Chair explained that in reaching its decision the Sub-Committee had considered the report of the Licensing Officer and the representations of the responsible authority. 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 to vary the Premises Licence be granted as follows:-

- (i) Opening Hours Monday to Sunday 17:00 to 01:00
- (ii) Late Night Refreshment (off the premises only)
Monday to Sunday 23:00 to 01:00

4 Application to Vary a Premises Licence - Studio, Front Street, Chester-le-Street

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application to vary the premises licence in respect of Studio, Chester-le-Street, a copy of which had been circulated (for copy see file of minutes).

A plan showing the location of the premises and a copy of the application had been circulated to Members together with copies of representations which had been received from Interested Parties and the Responsible Authority.

The Acting Team Leader presented the report and advised the Sub-Committee that she had been given documentation by Durham Constabulary in relation to the survey conducted on taxi drivers in the Chester-le-Street and surrounding area.

The Chairman advised the Sub-Committee that they would only consider the summary document which they had received prior to the meeting and the additional information was handed back to Durham Constabulary.

Mr J Turnbull, Assistant Force Solicitor, Durham Constabulary, stated that they had 2 objections to the application as it undermined the licensing objectives in relation to the prevention of Crime and Disorder and the Prevention of Public Nuisance. The Studio was located at the Southern end and there were other late night establishments at either end of Front Street. There were residential properties surrounding the Studio and if the application was granted then they would be the venue open the latest which would have a huge impact as the venue could accommodate 850 people so you could potentially have 850 leaving the venue at 4.30 am. At this time of the morning there would be no takeaways open or buses operating and a limited number of taxis, so patrons would walk home through the streets, which already suffered from anti social behaviour. He referred to the statement submitted by Mr K Richardson a retired police officer who was a local resident who suffered from anti social behaviour. The police referred to the circulated statistics which showed an increase in crime between 12.00 midnight and 3.00 am, some of which were linked to the Studio. He went on to say that if the application was granted then incidents would peak until early in the morning which would put a strain on police resources. The Studio previously had one off events until 4.30 am and the police had put in place contingency plans for these but this could not be achieved on a permanent basis.

Sgt Robson indicated that he was also a resident of Chester-le-Street and talked about the staggering of opening hours which he believed did not work as people would go to the club which had the longest opening hours and if agreed other venues would apply for extended opening hours. He referred to the issues of transport infrastructure as shown on his circulated second statement which clearly showed that taxi drivers did not want to work until this time and there would be a maximum of 9 or 10 taxis at 4.30 am. In Chester-le-Street people tend to walk home which was the cause of the anti social behaviour and they go out later after consuming supermarket alcohol at home.

Policing the Front Street after 3.30 am would be an issue as police go into the community at this time and they do not have the resources to sit outside a nightclub so policing in the community would be lost. Since the change in jurisdiction of taxis to enable them to operate in the whole County, taxi's are going to Durham City rather than Chester-le-Street.

Members sought clarification on why the circulated statistics concluded in January 2012. In response, Sgt Robson advised the Sub-Committee that the Studio had been closed since January 2012 for refurbishment.

Mr Briggs, speaking on behalf of Chester-le-Street Central Resident Association indicated that the Police could not cope as there was not enough police for demand and residents were ignored. They never saw the Police on a weekend as they were located in the Front Street and he had personally been out with the Police on the Front Street.

Young children were woken in the early hours of the morning by people making their way home, old people were frightened due to no police presence and on Bank Holidays the crime figures trebled. Many residents did not report the incidents they just dealt with them; problems were from all establishments and not just the Studio.

Residents experienced windows being put out, cars scratched, damage to gardens, rubbish including urinating and excrement on their properties and footpaths. If the application was approved public nuisance would increase, their pleas in the past had been ignored and they now had 26 takeaways on the Front Street. He asked that the application be refused due to crime and public nuisance.

Mr Smith speaking on behalf of the Applicant indicated that they felt there was demand in the area as people were turning out later. They had operated to 3.00 am since the change in licensing laws and other establishments that they owned operated until 4.00 am seven days a week. He referred to Sgt Robson's comments in relation to staggering the opening hours which he believed worked and problems were created as this was not the case in Chester-le-Street. He also referred to the capacity of the Studio which was 850 but they never had this capacity and he was happy to consider trading at a lower capacity which would involve only using the lower floor which had a capacity of 500. They had already operated until 4.00 am at a number of temporary events, none of which had been refused and he had received no feedback of any problems associated with these temporary events. He offered to attend residential meeting where he could work with residents and they were an active member of pub watch and he had a personal licence and he spoke

to the police on a regular basis. He referred to the letter from Inspector Anderson and confirmed that the promotion referred to in this letter was the venue next door.

Mr Briggs indicated that if venues were not open late then there would not be the demand and owners of these premises had no control once people had left their premises.

In summing up Mr Turnbull explained that staggered hours would not work in Chester-le-Street and any temporary events granted in the past were one off events for the ground floor only and the police had plans put into place for these events. They were unable to police this on a permanent basis and crime would extend until earlier in the morning which would impact on resident's problems.

Sgt Robson in summing up indicated that there would be an increase in early morning crime and disorder which would impact on the quality of people's lives due to the lack of transport available.

Mr Briggs indicated that he had concerns regarding policing in the area and if the application was granted residents would not see the Police as they would be on the Front Street. He asked that the application be refused and that if the application was approved this would allow other venues to follow and there would be no grounds to object.

Mr Smith in summing up indicated that the temporary events held proved there was a demand and staggered hours would work and why did the police not object to the temporary events. Public Houses in Chester-le-Street were quiet and suffering and the Studio was losing money every month and had done for the last 18 months. They have only submitted the application for a Friday and Saturday as they believe this is what customers want and the premises recently had a revamp due to the losses it was making.

At 11.50 am Members retired to deliberate the application in private. After re-convening at 12.10 pm the Chair explained that in reaching its decision the Sub-Committee had considered the report of the Licensing Officer and the representations of the applicant and interested parties and the responsible authority. 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.

Councillor Alderson left the Meeting.

Resolved:

That the application be refused.

The Chair had agreed to accept the Application for the Variation of a Club Premises Certificate in relation to Easington Social Welfare Centre, Seaside Lane as the application needed to be determined by 8 May 2012.

5 Application to Vary a Premises Licence - Easington Social Welfare Centre, Seaside Lane, Easington

The application was scheduled to be heard at the meeting of the Statutory Licensing Sub-Committee on 3 May 2012. The Licensing Authority were advised that a successful mediation meeting had taken place and as a result in the interest of the public the meeting on 3 May 2012 was cancelled and the time limit extended until 8 May 2012.

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application to vary the premises licence in respect of Easington Social Welfare Centre, Seaside Lane, Easington, a copy of which had been circulated (for copy see file of minutes).

A plan showing the location of the premises and a copy of the application had been circulated to Members together with copies of representations which had been received from the Responsible Authority.

The Solicitor presented the report and advised the Sub-Committee that a successful mediation meeting had taken place which all parties had reached a written agreement with respect to disposal of this matter by way of amendment to the hours applied for, details of which had been circulated.

In determining the application, Members had considered the report of the Licensing Officer, Section 182 Guidance and the Council's Licensing Policy. They also took into account the mediation documentation.

Resolved:

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

| Activity | Hours | Indoors & or Outdoors |
|--|-------------------------------------|----------------------------------|
| A Performance of Plays | Monday to Sunday 11.00 – 23.00 | Indoors |
| B Performance of Films | Monday to Sunday 11.00 – 00.00 | Indoors |
| C Indoor Sporting Events | Monday to Sunday 11.00 – 00.00 | n/a |
| E Performance of live music | Friday to Saturday 11.00 – 01.30 | Indoors |
| F Playing of recorded music | Friday to Saturday 11.00 – 01.30 | Indoors |
| G Performance of dance | Monday to Sunday 11.00 – 01.30 | Indoors |
| H Performance of entertainment of similar description to live or recorded music and performances of dance | Friday to Saturday 11.00 – 01.30 | Indoors |

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| I Provision of facilities for making music | Friday to Saturday 11.00 – 01.30 | Indoors |
| J Provision of facilities for dancing | Monday to Sunday 11.00 – 01.30 | Indoors |
| K Provision of entertainment facilities of a similar description to those for making music and dancing | Monday to Sunday 11.00 – 01.30 | Indoors |
| L Supply of alcohol on the premises | Friday to Saturday 11.00 – 01.30 Christmas Eve & New Years Eve One hour later than normal permitted hour | n/a |
| M Opening hours of the Premises | Monday to Sunday 11.00 – 02.00 | n/a |