



Statutory Licensing Sub-Committee

Date Tuesday 24 January 2012
Time 10.00 am
Venue Council Chamber - Council Offices, Spennymoor

Business

Part A

1. Declarations of Interest (if any)
2. Minutes of the Meetings held on 28 November 2011, 21 December 2011 and 3 January 2012 (Pages 1 - 10)
3. Application for the Grant of a Premises Licence - The Stanefordham Inn, The Grove, Consett
4. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

16 January 2012

To: **The Members of the Statutory Licensing Sub-Committee**

Councillors B Alderson, B Arthur, D Brown, B Graham and
D Marshall

Contact: Jill Errington

Tel: 0191 370 6250

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - Council Offices, Spennymoor on **Monday 28 November 2011 at 10.00 am**

Present:

Councillor C Carr (Chair)

Members of the Committee:

Councillors P Charlton, A Hopgood, J Hunter and J Wilkinson

Apologies:

There were no apologies for absence

Also Present:

C Greenlay – Solicitor

H Johnson – Licensing Team Leader

S Amin – Applicant, Urban Oven

R Bell – Barrister, Urban Oven

Mr Amin – Urban Oven

K Ryder - Architect, Urban Oven

J Ashby – Local Resident, Urban Oven

S Aljumaily - Applicant, Deniros Pizza Shop

Mr Dahar - Deniros Pizza Shop

Mr and Mrs Tighe – Interested Party, Deniros Pizza Shop

Sgt Tim Robson – Durham Constabulary, Deniros Pizza Shop

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 Minutes of the meeting held on 7 September 2011.

The Minutes of the meeting held on 7 September 2011 were agreed as a correct record and were signed by the Chair.

3 Application for a Premises Licence, Urban Oven, 94 Claypath, Durham City

Members: Councillors C Carr (Chair), P Chartlon, J Hunter

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for a new Premises Licence in respect of Urban Oven, 94 Claypath, Durham City, a copy of which had been circulated.

Mr Newton an Interested Party advised that he was unable to attend the meeting but asked that additional information be circulated to members.

Rosalind Bell the Barrister acting on behalf of the Applicant indicated that the business was family run which wanted to trade too early in the morning as other restaurants in Claypath were open until late. She circulated additional information which included fliers from restaurants in the vicinity which advertised late opening hours.

She referred to the petition that had been submitted in support of the application to increase the hours and that this area of Claypath was more commercial than residential which was busy in the evening. She went on to say that residents who lived above the premises supported the application and were on good terms with the staff and used the facilities and the landlord had raised no objections.

She advised the panel that her client agreed with the conditions and would locate a bin outside the premises and would pick litter up in the immediate vicinity as well as washing the pavement with disinfectant outside.

The Barrister referred to the objection from Mr Newton in particular his statement which indicated that other takeaways in Claypath were not open until 3.00 am. She advised the Panel that her client wanted the extension to bring him in line with other takeaways in Clayphth which suggested that Mr Newton had not suffered from noise.

Members sought clarification on the area in Claypath which was residential properties other than students and where the next nearest takeaway was located and where the delivery vans would park.

In response, Members were advised that residential properties were located in the upper part of Claypath and the next takeaway was 2 doors away and that delivery vans would park in the car park next to the Jug Public House.

The Architect also advised the Panel that the extractor duct located inside the building was well insulated as the structure of the building was for commercial use downstairs and residential use upstairs.

The Barrister referred to planning being separate to Licensing and advised the Sub-Committee that her client had appealed the planning decision as other establishments in Claypath had planning permission until 3.00 am and others were in breach of their planning permission.

At 10.45 am Members retired to deliberate the application in private. After reconvening at 11.05 am the Chair explained that in reaching it's decision the Sub-Committee had considered the report of the Licensing Officer, the written and verbal representations of the Applicant, Responsible Authorities and Interested Parties and additional information provided. 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:

(i) That the application for a Premises Licence in respect of Urban Oven, 94 Clapyath be granted for the undermentioned times and in accordance with the conditions agreed in advance by the Applicant and Police and the inclusion of an additional condition that the pavement outside be washed:-

Opening hours of the premises	Sunday to Wednesday – 11.00 am to 12.00 Midnight Thursday to Saturday – 11.00 am to 02.30 am
Late Night Refreshment	Sunday to Wednesday – 11.00 pm to 11.30 pm Thursday to Saturday – 11.00 pm to 02.00 am

(ii) That the Enforcement Team be asked to investigate premises staying opening beyond their licensing hours in the Claypath area.

4 Application for a Premises Licence Deniros Pizza Shop, Seaham

Members: C Carr (Chair), A Hpgood, J Wilkinson

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for a Premises Licence in respect of Deniros Pizza Shop, 50 Parkside Crescent, Seaham, a copy of which had been circulated.

Mrs Tighe an Interested Party indicated that the applicant was currently in breach of the licence and was open after hours. She asked Sgt Tim Robson to speak as a witness on her behalf.

Sgt Tim Robson raised concerns that the premises were staying open late even though they had been written to they continued to stay open, which was a criminal offence and a breach of the licensing objective. He went on to say that Mr and Mrs Tighe had a clear view of the premises and could clearly see transactions taking place beyond the opening hours and that no other premises in the area had a late night licence. He believed that if they received the late night licence they would stay open beyond midnight which would have a detrimental impact on residents. He asked that the licence not be extended until the Applicant could adhere to the current opening hours, following which the Applicant could request that the licence be reviewed.

The Applicant advised the Sub-Committee that he only required an extension for 30 minutes which would allow him to take food orders later than at present. This would allow him to compete with other takeaways. The premises would close at 12.00 midnight. He also indicated that he had never stayed open until the early hours.

The Applicant also referred to a letter from the resident of 47 Ash Crescent who indicated that he had no objections to the extension of the hours. In view of this the Sub-Committee were asked to disregard the letter from the resident that had been circulated with the papers. He also referred to the remaining letters from Interested Parties explaining his relationship to each of the residents. He also spoke about how long it took to make food orders and why he had to sometimes cancel orders as he couldn't make them in time to enable him to close the premises at 11.00 pm.

At 12.20 pm Members retired to deliberate the application in private. After re-convening at 12.35 pm the Chair explained that in reaching it's decision the Sub-Committee had considered the report of the Licensing Officer, the verbal and written representations of the Applicant and Interested Parties. 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 be not granted but if the applicant could prove he was abiding by the licensing objectives then he could re-apply at a later date.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Wednesday 21 December 2011 at 10.00 am**

Present:

Councillor J Shiell (Chair)

Members of the Committee:

Councillors B Arthur, J Hunter and J Wilkinson

Other Member:

Councillor J Hunter

Also Present:

H Johnson – Licensing Team Leader
G Proud – Legal Officer
K Monaghan – Senior Licensing Officer
Sgt T Robson – Durham Constabulary
M Williamson – Durham Constabulary
L Richards – Applicant, Decades
D Bartley – Applicant, Red Velvet

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 Consideration of a Temporary Event Notice - Decades, Consett

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of 2 Temporary Event Notices in respect of Decades, Front Street, Consett (for copy see file of Minutes).

Sgt Robson, stated that Durham Constabulary objected to the TENs on the grounds that they would undermine the licensing objective of crime and disorder. The Police were in discussions with the management with regard to the future operation of their licence and was pleased with progress being made, but as these were at an early stage, he could not agree to the TENs.

The Police were concerned about problems of anti-social behaviour in and around Front Street, Consett and the impact it had on the community.

He referred Members to the documentation and photographs he had submitted detailing incidents that were either attributable to or within the vicinity of the premises, including an incident which had taken place on 18 December 2011.

The Police were also concerned that there would not be enough taxis to cope with the number of people on Front Street at that time of night. He believed that the problems would be exacerbated as the proposed events were at the height of the Christmas period when taxis would be in greater demand. In addition there was now a single zone policy which meant that more taxis were likely to travel to Durham City to operate from there.

L Richards, took Members through his submission, a copy of which had been circulated to Members which gave details of the premise's new management structure and objectives to prevent crime and disorder. He responded to the incidents referred to by Sgt Robson and stated that they could not all be linked to Decades.

With regard to transport he considered that the extension of 1 hour would mean leaving times from the nightclubs would be staggered and therefore taxis would be able to cope. As outlined in his submission 3 local firms had confirmed that they would be running taxis throughout those nights, although he had not received a written guarantee of this.

Members retired to deliberate the application in private at 10.52am and returned at 11.34am.

In reaching their decision, the Sub-Committee had considered the report of the Licensing Officer, the additional information circulated, and the written and verbal representations of the applicant and Durham Constabulary. The Sub-Committee also took into account the provisions of the Licensing Act 2003, the Council's Statement of Licensing Policy and Section 182 Guidance.

RESOLVED

That the application be refused for the following reasons:-

The Sub-Committee was concerned that agreeing to extend the temporary licensable activities until 04:30 hours would result in a high volume of people leaving the premises at the same time, which would in turn result in an increased demand for transport facilities at a time when this service would be reducing.

The Sub-Committee believed that the high demand for taxis could not be met effectively and was concerned that the increased number of people on the streets at this time of night would lead to an increase in crime and disorder. They were also concerned that such numbers of people would result in disorderly behaviour adversely impacting on the community.

3 Consideration of a Temporary Event Notice - Red Velvet, Consett

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of 2 Temporary Event Notices in respect of Red Velvet, Front Street, Consett (for copy see file of Minutes).

Sgt Robson, stated that Durham Constabulary objected to the TENs on the grounds that they would undermine the licensing objective of crime and disorder.

The Police were concerned about problems of anti-social behaviour in and around Front Street, Consett and the impact on the community. Despite the small capacity of the premises he believed it would have an impact on the surrounding area.

He referred Members to the documentation and photographs he had submitted detailing incidents that were either attributable to or within the vicinity of the premises, including an incident which had taken place on 18 December 2011, where some of the males involved had stated that they had come from Red Velvet.

The Police were also concerned that there would not be enough taxis to cope with the number of people on Front Street at that time of night. He believed that the problems would be exacerbated as the proposed events were at the height of the Christmas period when taxis would be in greater demand. In addition there was now a single zone policy which meant that more taxis were likely to travel to Durham City to operate from there.

If granted the TENs were for 6 hour periods and the Police were concerned that the conditions of the existing Premises Licence would be superseded by the Notices, and licensable activities would be unregulated between 00:00 and 06:00.

D Bartley, the applicant referred to his submission which had been circulated to Members, and which included details of the special arrangements to be put in place during the events. The submission also gave details of the responses from taxi firms which would be operating on the evenings applied for. As Red Velvet was open later than other nightclubs, and in view of its limited capacity, he considered that there would be adequate taxi provision. He also believed that as most of the taxis were private hire, people would book in advance.

D Bartley responded to the incidents referred to by the Police and his responses were detailed in a separate submission circulated to Members.

In response to questions D Bartley advised that in effect he was only applying for 1 extra hour but had applied from 12 midnight by mistake. He assured Members that the premises would operate as normal during the events, in accordance with the conditions of their Premises Licence and as detailed in his submission.

Members retired to deliberate the application in private at 12.10pm and returned at 12.35pm.

In reaching their decision, the Sub-Committee had considered the report of the Licensing Officer, the additional information circulated and the written and verbal representations of the applicant and Durham Constabulary. The Sub-Committee also took into account the provisions of the Licensing Act 2003, the Council's Statement of Licensing Policy and Section 182 Guidance.

RESOLVED

That the application be refused for the following reasons:-

The Sub-Committee accepted that Red Velvet was a smaller venue and therefore would not have the same number of patrons leaving at the same time as other nightclubs in the vicinity. Having taken this factor into consideration, the Sub-Committee continued to be concerned that agreeing to extend the temporary licensable activities until 06:00 hours would result in a significant increase to the drinking time with the potential for a large number of patrons to be leaving the premises at the same time. They believed that this would result in an increased demand for transport facilities at a time when less taxis would be available.

The Sub-Committee were concerned that the cumulative effect of limited transport and the extended licensable activities would result in a large number of people leaving the premises at once, increasing the number of people in the streets at this time of night and would therefore lead to an increase in crime and disorder. They were also concerned that such numbers of people would result in disorderly behaviour adversely impacting on the community.

The Sub-Committee was also concerned that the TEN stipulated 0:00 to 06:00 and as such the notice, if approved would supersede the current licence provisions in place and any licensable activities would be unregulated during this period.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Tuesday 3 January 2012 at 10.00 am**

Present:

Councillor J Shiell (Chair)

Members of the Committee:

Councillors B Graham and M Williams

Other Members:

Councillors D Brown and D Marshall

Also Present:

G Keay – Licensing Team Leader
K Monaghan – Senior Licensing Officer
S Buston – Legal Officer
Sgt T Robson – Durham Constabulary
J Gillead - applicant's representative
N Sutton - applicant

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 Minutes of the Meeting held on 18 October 2011

The Minutes of the meeting held on 18 October 2011 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

Prior to the consideration of the application Members were provided with additional information from the Police and the applicant.

The Police had submitted 2 witness statements, a photograph and till receipts, and the applicant had submitted a copy of a letter addressed to Mr D Young, together with the notes of a meeting and telephone conversation with Durham Constabulary held on 6 and 16 December 2011 respectively.

The applicant offered no objection to the additional information presented by the Police but Sgt Robson stated that whilst he had no objection to the letter addressed to Mr D Young he wished to object to the disclosure of the remaining documentation as he had not had sight of it prior to the hearing.

At 10.14am the Sub-Committee adjourned to deliberate in private and re-convened at 10.34am.

RESOLVED

That in view of the late receipt of documentation and the objection by the Police, the hearing be adjourned.