

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - County Hall, Durham on **Tuesday 24 April 2018 at 10.00 am**

**Present:**

**Councillor C Carr (Chair)**

**Members of the Committee:**

Councillors L Brown, C Hampson and M Wilson

**Also Present:**

K Robson – Senior Licensing Officer

K Coulson-Patel – Solicitor, DCC

**J & L News**

Miss H Pallister

**The Impeccable Pig**

Mr T Hamer – Applicant's Agent

Mr J Adamson – Applicant

Mr M Carr – other person

Mrs G Wills – Sedgefield Town Council, other person

Mr Williams – other person

Mrs Williams – other person

**1 Apologies for Absence**

There were no apologies for absence.

**2 Substitute Members**

There were no substitute Members.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes**

The Minutes of the meetings held on 5 and 19 December 2017, and 9 January 2018 were agreed as a correct record and were signed by the Chairman.

With the agreement of all parties the order of business was amended to consider the application regarding J & L News first.

## **6 Application for the Grant of a Premises Licence - J & L News, 23 Willowtree Avenue, Gilesgate**

**Members:** Councillor C Carr (Chairman), D Hicks and M Wilson

The Committee considered a report of the Senior Licensing Officer regarding an application for the grant of a Premises Licence in respect of J & L News, 23 Willowtree Avenue, Gilesgate (for copy see file of Minutes).

The application and supporting information had been circulated to Members, together with additional information provided by the Applicant. Members were informed that other persons Mr and Mrs Ramshaw, and Mr Cornforth and Ms Elliott had advised that they were unable to attend the hearing but had confirmed that the application be heard based upon their written representations. Members were advised that a further statement had been submitted by Mr and Mrs Ramshaw that they were still concerned about the surrounding area especially the play park as this would attract more unsocial behaviour. Also the length of opening hours until 10.00pm in a residential estate was far too late for the sale of alcohol and they believed it should be no later than 7.00pm. They were still far from happy that alcohol was being sold from premises in a quiet residential estate especially as they understood that another premises not too far away was also going to sell alcohol.

Following a request for clarification from K Coulson-Patel, Solicitor, the Senior Licensing Officer confirmed that the application was for the sale of alcohol off the premises between 09.00 to 22.00 hours Monday to Sunday and the opening hours were 06.00 to 22.00 hours.

Miss Pallister, the Applicant was invited to address the Sub-Committee and advised that she did not take her duties and responsibilities lightly and had received training. She had received a lot of positive feedback from residents and the application was much anticipated.

The Applicant submitted a staff training document 'Safe and Legal Training' and following a question from Councillor Carr confirmed that an incident book was already in use and she had brought the register for the Members to consider if required.

Councillor Hicks asked what other products were sold from the premises and was informed that the business sold newspapers, groceries, greetings cards and confectionary.

The Applicant and Senior Licensing Officer were invited to make any closing submissions but advised that they had nothing further to add.

The Sub-Committee **Resolved** to retire to deliberate the application in private at 10.15am.

After re-convening at 10.25am, the Chairman delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had considered the Senior Licensing Officer's report together with additional information from the Applicant and mediation with Durham Constabulary, the written representations of other persons and the written and verbal representations of the Applicant. Members had also taken into account Section 182 Guidance issued by the Secretary of State and the Council's Statement of Licensing Policy.

**RESOLVED:**

That the application be granted as follows:-

<b>Activities</b>	<b>Days and Hours Requested</b>
Sale of alcohol (off the premises)	Monday to Sunday: 09:00 – 22:00hrs
Opening Hours	Monday to Sunday: 06:00 – 22:00hrs

The additional conditions added by the Applicant following mediation with Durham Constabulary be imposed upon the Premises Licence:

**General**

- i. Written protocols will be in place detailing Policies, Procedures, Roles and Responsibilities in the effective implementation and management of the licensing objectives. This documentation will be held 'on-site' and made available to Responsible Authorities on request.
- ii. All spirits sold at the premise will be kept behind the counter and accessible to staff only.
- iii. Alcohol will not be merchandised within close proximity to confectionary or other products that are attractive to children.
- iv. The premise shall not place any more than three alcohol related posters externally, this will include no window advertising and/or window displays. The premise will ensure internally that any alcohol related marketing will be kept within the designated licensable area of the premise and will be kept to product shelves only.
- v. Authorised staff employed by Durham Police shall have free access to all parts of the licensed premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.

### **The Prevention of Crime and Disorder**

- i. Visual inspection and personal interaction with customers, will enable staff to determine if a customer is fit to be sold alcohol. If staff believe a person to be intoxicated with drink or drugs they will be refused.
- ii. The premise will liaise with the local Neighbourhood Beat Officers to ensure that the cameras are positioned to maximise coverage within all internal areas of the premise.
- iii. Notices will be clearly displayed at the entrance and around the premise stating CCTV is in operation.
- iv. Persons known to be, or suspected of buying alcohol on behalf of children will be refused and reported to the Police.

### **Public Safety**

- i. The premise will maintain an incident book, and record and report all instances of disorder both inside and directly outside the premise.

### **The Prevention of Public Nuisance**

- i. The Designated Premise Supervisor (DPS) will be responsible for ensuring that groups of young people are discouraged from congregating outside the premise. The DPS will actively work with the local Beat Officers/PCSO's in the reporting of any ASB connected to the premise.

### **The Protection of Children from Harm**

- i. The premise will display posters regarding Challenge 25, Proxy Sale and Operation Aries (tackling underage drinking in County Durham).

The following conditions suggested by the Applicant within the Operating Schedule be imposed upon the Premises Licence:-

### **General**

- i. All staff will be trained to understand their responsibilities with regard to the retail sale of alcohol. Records of all staff training will be maintained and updated accordingly every 12 months.

### **The Prevention of Crime and Disorder**

- i. A 4 camera CCTV system is in place covering all licensed areas including a single camera focussing on the public entry and exit point. This will enable good facial recognition of people entering and exiting the premises.
- ii. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times customers remain on the premises. All recordings shall be stored for a minimum of 31 days and can be accessed on site. Viewings of any recordings shall be made available immediately upon the request of police or any authorised officer.
- iii. The premises licence holder will undertake to ensure the system is maintained at regular intervals to ensure the system is working correctly.
- iv. The supply of alcohol at the premises shall only be for off sales and no alcohol will be consumed on the premises. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of any refusals, detailing the member of staff who refused the sale. This would be made available to the police or an authorised officer of the Council at all times when the premises are open.

### **Public Safety**

- i. The premises will be maintained in a safe manner at all times.
- ii. All exits will be clear of hazards.
- iii. All staff will be trained in emergency procedures and records maintained.

### **The Prevention of Public Nuisance**

- i. All refuse will be disposed of in an appropriate manner. Staff will be instructed to maintain all external areas in a clean and presentable manner at all times.

### **The Protection of Children from Harm**

- i. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving license, passport, forces ID cards or any proof of age card that carries the PASS logo.

- ii. Staff will be trained in the understanding of this policy and training records maintained for inspection if requested by the police or any other responsible authority.
- iii. Fully trained staff who will promote measures to support all licensing objectives.
- iv. Policies and procedures in place to ensure safety of all patrons and interested parties.
- v. Maintain property, inside and out, including relevant signage and litter bins to promote all licensing objectives.
- vi. Applicant to co-operate with all interested parties to promote licensing objectives.

## **5 Application for the Grant of a Premises Licence - The Impeccable Pig, Front Street, Sedgefield**

**Members:** C Carr (Chairman), D Hicks and C Hampson.

The Committee considered a report of the Senior Licensing Officer regarding an application for the grant of a Premises Licence in respect of The Impeccable Pig, Front Street, Sedgefield (for copy see file of Minutes).

A copy of the application and supporting information had been circulated together with additional information from the Applicant and Mr Williams on behalf of Mrs Williams, other person.

At this point it was confirmed by Councillor C Carr and Mr M Carr, other person that they were not related and therefore there was no conflict of interest which would prevent the Councillor from determining the application.

Mr Carr asked the Sub-Committee to consider a location plan which he wished to refer to. Mr Hamer, the Applicant's Agent objected to the late submission which he considered would be unfair to his client as he had not been given an opportunity to consider the new information.

The Sub-Committee decided that the plan submitted by Mr Carr should not be taken into account but noted that it was already included in the Bundle and could be referred to in Mr Carr's own submissions.

Mr Hamer advised that his client wished to reduce the hours for licensable activities from 1.00am until 12 midnight on Fridays.

Mr Carr was invited to address the Sub-Committee. He began by stating that the building was in a conservation area which he believed contributed to the attraction of the premises, and in an area that was now over-commercialised. Mr Hamer had said that he had stated that there were 'no hours attached' but he had not; he had

meant that a closing time of 12 midnight and 1.00am did not mean that customers would leave at that time as there was no drinking up time specified. The size of the building had increased considerably and there were 96 residential properties around the site. The Applicant's statement that eating hours were changing was not reflected in other local hotels and restaurants. Mr Carr provide examples of the closing hours of other venues in the area.

The premises may have 10 rooms but the main area was a brasserie capable of hosting 200 people and Mr Carr was therefore of the view that it was not primarily a hotel.

All customers had to enter and exit onto Front Street and the village green. There were issues with another premises in the village including the slamming of taxi doors and the over-ordering of mini-buses. He also felt that customers would not be as thoughtful about reading notices asking them to respect neighbours late at night. The last public transport service left the village at 11.30pm.

Mr Carr concluded by wishing the venture success but hoped that the proposed hours could be reduced.

Councillor Wills addressed the Sub-Committee on behalf of the Town Council and residents of Sedgefield. She advised that there had been an increase in events in and around the village accompanied by live/recorded music, some of which were outdoors. The Town Council had seen a huge number of complaints as a result.

She appreciated that there was now more focus on eating out and the Town Council was not averse to the venture. The Town Council had been tolerant of the issue of parking on the village green by construction vehicles for almost a year.

Councillor Wills referred to the Council's Statement of Licensing Policy and explained that the Town Council's main concerns were in relation to the licensing objective 'prevention of public nuisance'. They accepted that the applicant had removed live/recorded music outdoors but noted that plays and dance, indoors and outdoors, had been retained.

It was clear that the building was not sound-proofed and Councillor Wills asked how noise levels would be controlled to ensure that noise was regulated.

The Applicant had stated that there was parking for 10 vehicles but the registered village green was to the front and could not be used for extended parking.

Members were informed that the Town Council managed the nearby Parish Hall which had been the subject of noise nuisance in the past. The Town Council had mitigated against this and with this in mind, and in light of their own experience, she requested that the hours be restricted to 12 midnight in line with other premises in the locality, and for all activities to be indoors. Councillor Wills asked if the applicant proposed to address the issue of potential noise now as opposed to waiting until noise nuisance occurred.

In response to a question from Councillor Carr, Councillor Wills advised that the Town Council had contacted the Licensing Authority about noise and the Senior Licensing Officer confirmed that letters had been sent to the Town Council and other parties in relation to this. Councillor Wills advised that they may have been received too late for consideration by a Council meeting.

Mr Williams was invited to address the Sub-Committee on behalf of his mother. He explained that his mother's bedroom backed onto the former Hope Inn which was a party wall, and pointed out the position of the room on the location plan in the Bundle. The impact of noise had been felt when the function room of the Hope Inn was used and this room had now been integrated into the building to form one large space. He was concerned that acoustic insulation had been overlooked and did not think this would be difficult to sort now as opposed to finding out that there were problems when the business was operating.

He had contacted the Licensing Authority with regard to payment of the works to reduce noise, and advised that he had not asked the Applicant to pay for insulation of his mother's property, but for noise mitigation in the premises.

At this point the Chairman advised that in view of what had been said to this point an attempt at mediation by the parties prior to the Sub-Committee may have been useful. Therefore the hearing would adjourn to allow all parties to try to reach agreement. In doing so he asked that consideration be given to:-

- Bottles to be emptied before 8pm and not before 8am
- A drinking up time
- The hours for all licensable activities
- Closing windows and doors after a certain hour
- Noise mitigation
- Delivery times
- Parking provision.

Prior to adjourning, Mr Adamson, the Applicant stated that there was no intention for music or entertainment outdoors, there would only be background music indoors and the village green would not be used as a car park. He wanted to work with the Town Council and the residents to reach agreement.

All parties retired at 11.45am.

After re-convening at 12.15pm the Senior Licensing Officer advised of the agreement reached, as follows:-

- All licensable activities to end at midnight
- All outdoor activities removed from the application
- Live music to be restricted to 8 live events per year
- All windows and doors to be closed by 10.00pm
- Bottle emptying and deliveries to take place between the hours of 8.00am and 8.00pm
- Drinking up time to be included in the licensed hours

The Solicitor added that it had also been agreed that sound equipment would be installed in Mrs William's property following completion of the works to the premises, and a time be arranged for testing with the relevant parties present.

At 12.25pm the Sub-Committee **Resolved** to retire to deliberate the application in private. After re-convening at 12.30pm the Chairman delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer and additional information provided by the Applicant and Mr Williams, the verbal and written representations of the Applicant's Agent, the Applicant and other persons, and the agreement reached between the parties. The Members had also taken into account Section 182 Guidance issued by the Secretary of State and the Council's Statement of Licensing Policy.

**Resolved:**

That the application for the grant of a Premises Licence be granted as follows:-

Activities	Days & Hours Requested
Provision of plays (Indoors)	Monday to Sunday: 23:00 – 00:00 hrs
Provision of films (Indoors)	Monday to Sunday: 08:00 – 00:00 hrs
Provision of indoor sporting events	Monday to Sunday: 23:00 – 00:00 hrs
Provision of live music (Indoors) restricted to 8 events per year.	Monday to Sunday: 23:00 – 00:00 hrs
Provision of recorded music (Indoors)	Monday to Sunday 23:00 – 00:00 hrs
Provision of performances of dance (Indoors)	Monday to Sunday 23:00 – 00:00 hrs
Late Night Refreshment (Indoors)	Monday to Sunday 23:00 – 00:00 hrs
Sale of Alcohol (on and off the premises)	Monday to Sunday 08:00 – 00:00 hrs Alcohol will be provided to residents at any time whilst they remain a resident. It is anticipated that the pub will have members of the public on the premises 24/7.
Opening Hours	Monday to Sunday: 00:00 – 00:00 hrs

The additional conditions added by the Applicant following mediation with the Environment Health noise team:

### **Prevention of Public Nuisance**

- i Live and recorded music outdoor will not be part of the Premises Licence.

The Committee also considered the conditions suggested within the Operation Schedule and believe it was necessary to impose the conditions on the Licence as follows:

### **General**

- i The premises will have a named Designated Premises Supervisor.
- ii There will always be someone on the premises with a Personal License.
- iii Appropriate signage will be displayed externally and internally to include:
  - CCTV images are being recorded for your safety.
  - Proof of age – Challenge 25.
  - Please respect our neighbours when leaving the premises.
  - Drugs Policy.
  - Restricted times when drinks are not permitted outside the premises
  - The Smoke free (Premises and Enforcement) Regulations 2006 – External Signage
  - Admission and supervision of children under the age of 16.
- iv In respect of training, the Manager and Duty Managers will be trained in formal qualifications to Personal License level.
- v All staff will receive training will include:
  - Company induction.
  - Health & Safety.
  - Fire Safety and Evacuation Procedures.
  - Food Safety & Hygiene.
  - The Sale of Alcohol – The Licensing Law and Challenge 25.
  - Conflict Management.
- vi The staff training records will be held on the Company intranet.

## **The Prevention of Crime and Disorder**

- i. The premises will be part of the local Pub Watch scheme and the manager will attend scheduled meetings and share relevant information to the Police and local licensed premises.
- ii. A policy for the use of toughened or plastic drinking glasses for outside consumption of drinks may be established following completion of a risk assessment where national sporting events are televised.
- iii. On occasions that security operatives are employed they will be licensed by the SIA. Security staff will be required to sign in and a record of their license will be recorded including license number and expiry date.
- iv. In addition to providing accommodation the primary function of the premises is for the sale of food and drink. A table and seating plan will be available prior to opening.
- v. Drug awareness training will be provided for all staff. A record will be kept of the date and name of person trained. Records will be made available for Inspection by the police or licensing authority.
- vi. The Applicant will maintain the long-standing relationship with Local Police and communicate on a regular basis.
- vii. In respect of the prevention of illegal drugs and weapons being brought into the premises, the premises will operate a Zero Tolerance Policy which will cover:
  - Notices will be displayed within the entrance to the premises.
  - All staff will be trained and made aware of the requirement to call the Police if a customer is suspected of being in possession of drugs or weapons.
  - A policy for seizing, retaining and documenting any drugs or weapons found with a clear audit trail and a process for surrendering them to the Police.
  - Regular, recorded toilet checks will be carried while the premises are open.
  - Drug awareness training will be provided for all staff. A record will be kept of the date and name of person trained. Records will be made available for inspection by the police or licensing authority.
- viii. CCTV will be installed inside and outside the premises. The cameras will cover all internal areas accessible to the public and areas immediately outside the premises. The date and time settings on the system will be correct.

- ix. CCTV recordings will be in real time and on hard drive with the availability to copy disks for other agencies such as the police.
- x. CCTV recordings will be kept for a minimum period of 31 days.
- xi. Management and Supervisors will be trained in the maintenance and operation of the CCTV system with a record kept of the date and name of person trained.
- xii. Records will be kept at HQ and can be available for inspection by the police or licensing authority.
- xiii. A trained Duty Manager will be on duty to operate the CCTV system whenever the premises are open.
- xiv. Customers will be encouraged to leave the premises quietly and respect local residents. Signage will be displayed inside and outside the premises.
- xv. The consumption of drinks will be prohibited outside the premises at specified times.
- xvi. Regular, recorded checks of toilets and outside areas will be carried out. Any anti social or suspicious behaviour will be reported to the Duty Manager.

### **Public Safety**

- i. A Fire Risk Assessment will be carried out prior to opening and this will specify the permitted occupancy of the premises.
- ii. Maintenance records and certificates for the following equipment will be kept in the premises Fire Log File:
  - Fixed Electrical Wiring Installation and PAT
  - Gas Certificates for kitchen and heating equipment
  - Fire Alarm test/maintenance records.
  - Emergency Lighting and illuminated signage
  - Kitchen extraction cleaning
- iii. Kitchen equipment and refrigeration will be serviced by the company nominated contractor.
- iv. The Premises are covered by CCTV both internally and externally. The system will record on hard drive and copies will be made in the event of an accident or incident. These copies will be held with the Group Health and

Safety Manager along with the completed Accident & Incident Report Forms and Witness Statements.

- v. There will be compliance with The Smoke-free (Premises and Enforcement) Regulations 2006.
- vi. External designated smoking areas will be provided and will be checked and maintained at regular intervals.

### **The Prevention of Public Nuisance**

- i. A Fire Risk Assessment will be carried out prior to opening and this will specify the permitted occupancy of the premises.
- ii. The premises will provide information on licensed local taxi providers.
- iii. "Wind down Period" There will be agreed wind down period between the end of licensable activities for non-residents and closure of the premises.
- iv. Customers will be encouraged to leave the premises quietly and respect local residents. Signage will be displayed inside and outside the premises.
- v. A last admission policy will be adopted.
- vi. Regular recorded checks will be made of the outside areas, for e.g., glass collection and litter collection and emptying of ash trays.

### **Protection of Children from Harm**

- i. Children under the age of 16 will be permitted in the premises if accompanied and supervised by an adult between the specified hours.
- ii. Clear signage will be displayed advising customers of the Child Admission Policy.
- iii. Managers, Duty Managers and staff will be trained in the premises admission of children policy and signed records will be available for inspection.

The following conditions be added to the Licence:

- i. All outdoor activities are to be removed from the proposed activities and therefore remain as indoor only.
- ii. In respect of the provision of live music, this will be limited to 8 events per year.

- iii. In respect of the all of the hours proposed for the licensable activities this will be reduced from 01.00hrs to 00.00hrs.
- iv. The Applicant proposes that the clearing away of glasses and bottles does not take place after the hours of 20.00 hrs or before the hours of 08.00hrs.
- v. In respect of deliveries, these will be controlled and take place between the hours of 08.00 hrs and 20.00hrs.
- vi. The Applicant proposes that the windows and doors would be closed after the hours of 22:00hrs.
- vii. A noise survey will be carried out within Mrs Williams' property upon completion of the construction work whereby the sound equipment will be placed at high volume. Sound equipment will be in place to monitor and measure the levels to determine whether this is suitable. The timing will be agreed between the parties, a nominated expert would be appointed and where necessary the reasonable costs are to be borne equally between the parties.
- viii. The drinking up time for non-residents is to be concluded by 00:00hrs.