

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Tuesday 20 November 2018 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors D Brown, G Darkes and A Hopgood

Also Present:

Councillor D Brown

Helen Johnson – Licensing Team Leader, DCC

Stephen Buston – Solicitor, DCC

Laura Cloney - Licensing Enforcement Team Leader, Licensing Authority

Jeffrey Turnbull – Assistant Force Solicitor for Durham Constabulary

Sgt Caroline Dickenson, Durham Constabulary

PCSO Aimee Guest – Durham Constabulary

Jonathan Smith – Poppleston Allen, Solicitor for Red Oak Taverns Ltd

Nathan Audas – Operations Manager, Red Oak Taverns Ltd

Martyn Webster – Business Development Manager, Red Oak Taverns Ltd

1 Apology for Absence

An apology for absence was received from Councillor J Blakey.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Review of a Premises Licence - The Oddfellows Arms, 52 Church Street, Seaham

The Committee considered a report of the Corporate Director of Regeneration and Local Services regarding an application for the review of a Premises Licence in respect of The Oddfellows Arms, 53 Church Street, Seaham (for copy see file of Minutes).

Members were informed that on 25 October 2018 a Statutory Licensing Sub-Committee had considered an application from Durham Constabulary under Section 53A of the Licensing Act 2003 following an incident at the premises and had decided to suspend the Premises Licence with immediate effect pending this full review hearing. The Licence Holder had confirmed at that time that the DPS had been removed.

A copy of the review application and supporting documentation had been circulated to Members, together with additional information provided by Durham Constabulary.

Mr Turnbull, Assistant Force Solicitor was invited to address the Sub-Committee on behalf of the Applicant, Durham Constabulary. He explained that the application was not only in relation to the licensing objective 'prevention of crime and disorder' but also related to 'the protection of children from harm' as unaccompanied children aged between 11 and 12 years had been found on the premises. His representations would focus on the licensing objective 'crime and disorder' and the Police concerns over a 12 month period which had culminated in an incident on the premises on 5 August 2018 when a male had suffered bruising to the brain and a fracture to his skull.

This incident had prompted a meeting with the Licence Holder, Red Oak Taverns Ltd, on 22 August 2018 when the importance of contacting the Police when an incident occurred had been agreed, along with other measures. However despite this agreement the DPS had not called the Police on 20 October 2018 when a serious incident had occurred and a male had sustained two fractured eye sockets, a broken nose and two fractured ribs.

Members were then referred to the statement provided by PCSO Guest which included earlier incidents at the premises.

Whilst the Police had no confidence in the way the premises had been managed, in fairness to the Licence Holder immediate action was taken to remove the DPS following the incident, and the Licence Holder had not challenged the suspension of the Premises Licence.

Since the summary review useful discussions had taken place with the Licence Holder and agreement had been reached which sufficiently addressed the concerns of the Police. The Licence Holder was seeking to re-open the premises with more robust management, had agreed to a number of proposed conditions including an extension of the suspension for a further 6 weeks and a reduction in hours for licensable activities. The proposed conditions also addressed the provision of door supervisors, and specified that no person under the age of 18 would be allowed on the premises unless accompanied by an adult. A copy of the proposed conditions was circulated to all parties.

Laura Cloney, Licensing Enforcement Team Leader was invited to make representations and advised that she supported the proposed conditions which she hoped would address the issues of concern.

Jonathan Smith addressed the Sub-Committee on behalf of the Licence Holder. He commenced by explaining that the tenant of the premises was not an employee of Red Oak Taverns Ltd. Ms Porritt had held a tenancy agreement for 11 years, and Red Oak Taverns Ltd had inherited the tenant on their purchase of the premises. Issues with the running of the premises had arisen over the last 12 months; there was no previous record of any problems. In 2013 the licensing hours were extended to 12.30am, with the premises closing at 1.00am, and in June 2017 the hours were extended further to 2.00am, closing at 2.30am, with no objections from the Police. Problems with the premises had first come to the attention of the Licence Holder in August 2018, and immediately following the most recent incident steps were taken to remove the DPS so that Red Oak Taverns Ltd remained in control and could liaise with the Police. Red Oak Taverns Ltd successfully managed 160 premises across the country.

Mr Smith then responded to questions from Councillor Carr. With regard to the provision of door supervisors and having a presence at the rear gate, at this point in time the Licence Holder did not know what type of premises any new tenant would wish to run. The new tenant may not wish to open late in which case only one door supervisor would be required. A condition was already included in the Premises Licence that the rear gate should be locked at 11pm.

Councillor Hopgood noted that the door supervisor would be on duty from 10pm and suggested that this should be the time the rear gate was closed. The Licence Holders confirmed their agreement with this.

Councillor Carr was concerned that the bar staff should be able to identify when customers were intoxicated and was informed that this would form part of the training. The Councillor also specified the importance of maintaining an incident book.

Following a question from Councillor Darkes who asked the Licence Holder to consider imposing a curfew of 9pm for children, Mr Smith asked that this be left to the discretion of the new DPS. The new tenant may wish to operate a food-led and family-friendly premises, and a 9pm curfew would be too restrictive for a venue of that type.

The Chairman invited all parties to sum up. None had anything further to add but Mr Audas confirmed that the surrender of the tenancy had been completed on 14 November 2018, and the former DPS had now vacated the premises.

At 10.50am the Sub-Committee **Resolved** to retire to deliberate the application in private.

After re-convening at 11.10am the Chairman delivered the Sub-Committee's decision. In reaching their decision Members had taken into account the report of the Licensing Team Leader, the written and verbal representations of the Applicant and the Licence Holder, and the proposed conditions agreed between the parties. Members had also considered the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That

- i. a suspension be imposed for a further period of six weeks, effective from the date of this hearing.
- ii. The interim steps, previously imposed on 25th October 2018, shall cease to have effect once the time for appeal of this decision, under Section 53C of the Licensing Act 2003, has expired [Section 53D(4)(b) applies].
- iii. The following conditions be attached to Annex 3 of the premises licence:
 - a) All licensable activities to be permitted between 9.00am and 1.00am, seven days per week.
 - b) Opening hours for the premises to be permitted from 9.00am to 1.30am; the only exceptions to be Christmas Day and New Years' Eve, with licensable activities continuing until 2.00am, closing time 2.30am.
 - c) The Premises Licence Holder will obtain the approval of Durham Constabulary (such approval not to be unreasonably withheld) to the appointment of a Designated Premises Supervisor before submitting an application to vary the Premises Licence to name such person as the Designated Premises Supervisor.
 - d) If the premises remain open for the sale of alcohol until midnight or before on a Friday, Saturday or Bank Holiday Sunday, the one member of door staff will be on duty from 10.00pm until the premises close.
 - e) If the premises remain open for the sale of alcohol after midnight on a Friday, Saturday or Bank Holiday Sunday, the two members of door staff will be on duty from 10.00pm until the premises close, with this number being reduced to one after a period of three months if in agreement with Durham Constabulary (such agreement not to be unreasonably withheld).
 - f) No person under the age of 18 will be allowed on the premises unless accompanied by an adult
 - g) The premises shall implement and evidence the full induction and training of all staff responsible for the sale of alcohol, prior to the re-opening of the premises.
 - h) The rear gate of the premises shall be locked at 10.00pm.