

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - County Hall, Durham on **Wednesday 29 May 2019 at 1.00 pm**

Present:

Members of the Committee:

Councillors J Blakey, L Brown and M Wilson

Also Present:

S Grigor – Council's Solicitor

K Robson – Senior Licensing Officer

Inspector R Stockdale – Durham Constabulary

PCSO H Robson – Durham Constabulary

A Dickman - Applicant

C Dickman - Applicant

Councillor J Blakey (in the Chair)

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 Consideration of a Temporary Event Notice - Port of Call, 6 North Terrace, Seaham

The Committee considered the report of the Senior Licensing Officer regarding an application for a temporary event notice (TEN) in respect of the Port of Call, 6 North Terrace, Seaham.

A copy of the location plan and application form had been circulated.

The temporary event notice was for the premises to extend the sale of alcohol and the provision of regulated entertainment for the screening of a TV Boxing Event on Sunday 2 June 2019 from 01:00 hours until 04:00 hours.

An objection was received from Durham Constabulary on the basis that the event would undermine the licensing objectives, namely the prevention of crime and disorder and the prevention of public nuisance. Durham County Council's Environmental Health Department confirmed that they had no comments to make in relation to the TEN.

Inspector Stockdale speaking on behalf of Durham Constabulary indicated that Durham Constabulary were objecting to the TEN for the boxing match as this would undermine the licensing objectives. The boxing match was taking place in New York on the Saturday evening to Sunday morning. Due to the time difference and the fluid times the boxing match was to commence the boxing match may not be finished or even started when the TEN finishes at 4.00 am. If the TEN runs out before the boxing match was finished what would happen, this was also an exceptional night as there was also the Chelsea and Arsenal football match taking place that evening which would add to crime and disorder, as people would be drinking watching the football match. People would stay out to watch the boxing, so there would be a large amount of drinking time.

She then referred to the location of the premises as shown on the map circulated within the report that showed that the premises were in an area where there were a number of residential properties.

When leaving the premises patrons would turn left or right and would be walking through residential housing, there was also residential dwellings to the rear of the premises. There was a strong community view around noise from premises and residents wanted the licensable hours limited due to public nuisances and at least 5 residents were prepared to attend a meeting for a different premises. The policy recognised the need to live, but to bear the community in mind.

If the TEN was ended at 4.00 am, 100 patrons would be leaving the premises on mass in high spirits, play fighting which could progress. There would be a lot of noise and anti-social behaviour while people were trying to sleep. Looking at the infrastructure the last bus to Sunderland was 11.30 pm and 10.08 pm to Durham. Taxis did not operate after midnight unless pre-arranged appointment and the boxing times were fluid. There would also be no takeaways open, so patrons would be spilling out into a residential area with no amenities available.

She then referred to the restrictions around planning law and that it had been confirmed this morning that no planning permission had been granted for the premises to open beyond 11.00 pm. She needed to bring this to the attention of the committee and she would be taking further advice.

Speaking on behalf of the community, Inspector Stockdale indicated that the community did not support a 4.00 am closure of the premises due to the fear of crime. TENs were designed for legitimate community events not an opportunity to extend drinking times which would be to the benefit of the minority and residents would suffer.

Councillor Brown sought clarification if the Applicant had previously had a TEN. The Applicant confirmed that they had never had a TEN from Durham County Council.

The Council's Solicitor asked Durham Constabulary if there were any issues associated with the premises. Durham Constabulary confirmed that there had been an incident recently but overall, there was no issues with the premises and they had worked with the Port of Call to reduce licensing activities.

The Council's Solicitor then asked if there were anti-social problems in the area. Durham Constabulary responded that there were anti-social behaviour issues on the Front Street, Seaham which was a social location that was thriving but at a detriment to the public, which was why the community were in high voice.

The Council's Solicitor then asked if there were any other licences premises in the area and if there were any problems. Durham Constabulary advised that there were other licensed premises in the area, but they had not applied for a TEN for this event and the problems associated with the area were not linked to the Port of Call.

Councillor Brown sought clarification if other premises in the area terminated at 11.00 pm. Durham Constabulary responded that it was 11.30 pm but there were issues with planning permission.

Councillor Blakey asked if other premises had obtained a TEN for the boxing event. Durham Constabulary responded that there were no other TENS for this event in the Seaham area but there had been TEN applications for other areas with they had looked at on an individual basis.

The Senior Licensing Officer advised Members that there was insufficient time for other premises to now serve a TEN notice for this event.

The Applicants were invited to address the Sub-Committee and indicated that any anti-social behaviour was not linked to their premises. The event would be ticketed with a maximum of 100 people with 2 door staff. He had contacted local taxi firms who had confirmed that they would be operating later if there would be a reassurance that there would be customers. Other premises in the area were open until 1.00 am, he had previously worked with Amy Guest to agree operating hours that worked with residents.

The Applicant's continued that a previous TEN for a football event they had to empty the bar then open it up again which they did not have any issues with as it was not all about drinking and boxing fans were asking if there were going to be open and serving food.

The Senior Licensing Officer advised that the TEN would not allow the serving of food as they had not applied for this element.

The Applicant responded that in the past Sunderland City Council had asked them to provide food which they hadn't applied for but was a condition asked for by the police.

The Applicant stated that they would withdraw the food element and just serve bar snacks.

Councillor Blakey sought clarification of what measures were in place if the match was outside of the TEN.

The Applicant responded that he had contacted Sky who had assured him that the match would be concluded by 4.00 am as the chances of all fights going the full 12 rounds was limited.

Councillor Wilson asked how they would ensure that residents were not disturbed when patrons were leaving the premises.

The Applicant responded that they would have door supervisors on the door and would ensure that patrons were not dispersed all at once.

At 1.25 pm the Sub-Committee **Resolved** to retire to deliberate the application in private. After re-convening at 1.45 pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer, together with the written and verbal representations of the Applicant and Durham Constabulary. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: That the application for the TEN be approved with the voluntary condition that the event be ticketed, and door staff be employed.

5 Consideration of a Temporary Event Notice - Port of Call, 6 North Terrace, Seaham

The Committee considered the report of the Senior Licensing Officer regarding an application for a temporary event notice (TEN) in respect of the Port of Call, 6 North Terrace, Seaham.

A copy of the location plan and application form had been circulated.

The temporary event notice was for the sale of alcohol from a mobile bar to be positioned on the pedestrianised pavement outside of the Port of Call, Seaham for the Seaham carnival event. The sale of alcohol (on and off sales) was for Saturday 20 July 2019 and Sunday 21 July 2019 from 09:00 hours until 22:00 hours.

An objection was received from Durham Constabulary on the basis that the event would undermine the licensing objectives, namely the prevention of crime and disorder and the prevention of public nuisance. Durham County Council's Environmental Health Department confirmed that they had no comments to make in relation to the TEN.

Durham Constabulary had provided additional information that had been circulated to all parties prior to the meeting.

The Applicant had provided a copy of an e-mail from Seaham Town Council which had not been circulated in advance of the meeting and had not been verified. The Chairman accepted the additional information and a copy was provided to all parties at the hearing.

The Senior Licensing Officer read out the e-mail which confirmed that the Applicant would be required to apply for a licence if they wished to sell alcohol at the event.

Inspector Stockdale speaking on behalf of Durham Constabulary indicated that Durham Constabulary were objecting to the TEN for a pavement bar which would undermine the licensing objectives. The Carnival had been held since 2000 and was previously known as East Durham Show. The event involved the showing of films on Terrace Green and two fair grounds. The first night was ladies night and the second night was for families and children, that was hosted by Seaham Town Council. The event expected to attract 10,000 to 17,000 visitors depending on the weather and was a family event, that was encouraging families to come together.

Inspector Stockdale then referred to legislation and the sale of alcohol to children which could not be supported by the licensing authority unless safeguarding was addressed. The bar area would be in the public domain and there was a chance that children could be next to the bar area. A lot of work had been undertaken with schools and the feedback was that children felt intimidated and did not like being surrounded by adults drinking alcohol.

They would expect the mobile bar to operate challenge 25, she then referred to an incident that took place on the 23 May 2019 where the premises had declined to serve a customer which resulted in some disorderly behaviour which moved outside into the public domain. It was a well-run establishment but unfortunately subject to behaviour which was outside of their control. She referred to Public Health not been consulted on TENS, but they did support alcohol free life styles for children.

Durham Constabulary had provided some images of the area that were shared with all parties at the hearing.

Inspector Stockdale then referred to the area to the front of the premises that was owned by Durham County Council and that she had received an e-mail this morning from Highways confirming that the Port of Call did not have permission for a bar outside the premises. She also advised members that as the premises had not produced any public liability insurance they were not authorised for tables and chairs outside the premises.

Durham Constabulary wanted to ensure the event was safe for children and people in attendance. Bars in the area had off sales in place, they were not looking to restrict current businesses but wanted to encourage people to go into the bar to purchase alcohol so that drunkenness could be monitored, their issue was with an external bar. No further premises in the area had applied for a TEN for the event.

Inspector Stockdale referred to the location of the external bar which was in a bottle necked area and the pavement area was used to move people, so they were not encouraging anything to be placed on the pavement so that they could ensure that people could be evacuated. The area where stalls were to be located was around the Tommy statue which was only for food with no alcohol. They were working with local off licences in the area to limit the sales over the carnival weekend. The police were happy to work with the premises, they were not looking to change the licence for off sales, but the placement of an outside bar was detrimental to the safeguarding of children.

Councillor Brown asked if there were any open-air bars at the carnival.

Durham Constabulary responded that there were food areas, but none were selling alcohol. Seaham Town Council had refused stalls for alcohol and had

not given permission for the Port of Call to have a bar outside of the premises.

Councillor Blakey asked the width of the pavement outside of the premises. Durham Constabulary responded that it was an average width pavement, but the event would be pedestrianised, and children were encouraged to play and dance. Local bands would be playing on the Saturday with tribute bands on the Sunday.

In response to questions, it was confirmed that there would be no stalls on the North of the parade and they were working with premises to ensure that no tables and chairs would be on the pavement for the event, Durham Constabulary provided details of the road closure.

Durham Constabulary then referred to the e-mail from Paul Fletcher encouraging the TEN and indicated that this was a breakdown in communication as the Deputy Mayor for Seaham Town Council had confirmed that there was no need for alcohol sales as they were not authorising such activity.

The Applicant referred to the public liability insurance that had been submitted and the licence renewed for the outside furniture. Durham Constabulary responded that the monies had been paid on the 16 May 2019, but the licence had not been granted as they were waiting for the insurance documents, this had been confirmed prior to the meeting.

The Applicant indicated that they had been advised that the fee had not been paid so they paid it again but a couple of weeks later the cheque was cashed so they paid the fee twice, the public liability insurance documentation was with the cheque.

Durham Constabulary indicated that they were not saying that the application had not been submitted but the licence had not been granted.

The Applicant addressed the Sub-Committee and indicated that the idea of the TEN came from a pub watch meeting with Amy Guest. He referred to outside bars which had been happening for a number of years but there had been some problems last year which was not relating to their premises, but someone had brought a bar onto the sea front. He referred to the likes of Asda and Aldi and the only way they could compete with chain stores was by quality of service and they could offer cold line poured drinks from a keg. He indicated that people could purchase a bottle of spirits and who would stop them drinking when they had too much. He then referred to the incident on the 23 May 2019 and advised members that they had never served the gentleman in question, but he would not leave the premises, so he asked the door staff to remove him, but they did have to call the police as the incident

was out of control. They would not serve anyone who was intoxicated but people who have purchased alcohol from supermarkets would continue to drink.

Durham Constabulary advised members that the event had security in place. The Applicant responded that if a group of people were drinking in a field who would let staff know, they would have staff on the door and inside the premises, so they would be right next to the mobile bar.

Durham Constabulary asked how they would control off sales from the pavement as once they had purchased the drink they would go off into the crowds. The Applicant responded that if patrons were drunk they would refuse to serve but buying from a supermarket there was no control.

Durham Constabulary advised that if there was disorder then they would regulate and restrict sale.

Councillor Wilson sought clarification on why they required the TEN from 9.00 am when then carnival did not start until 12.00 noon and asked the size of the bar.

The Applicant responded that 9.00 am was to mimic the bar licence and confirmed that the bar was the size of a table and chairs and that drinks would be served in disposable plastic glasses.

Durham Constabulary advised Members that all drinks that weekend would be served in disposable plastic glasses. She then referred to the other premises with an outside bar that the Applicant mentioned and advised that the mobile bar in question had been challenged and had not been placed outside for a period of time.

At 2.20 pm the Sub-Committee Resolved to retire to deliberate the application in private. After re-convening at 2.30 pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer, together with the written and verbal representations of the Applicant and Durham Constabulary. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: That the application for a TEN be refused.