

DURHAM COUNTY COUNCIL

At a Special Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - County Hall, Durham on **Thursday 5 September 2019 at 10.00 am**

Present:

Members of the Committee:

Councillors D Brown, L Brown and C Hampson

Also Present:

Ms S Grigor (Solicitor)

Ms Y Raine (Licensing Officer)

Mr S Ahmed (Applicant)

Darlington BC Councillor Ali (on behalf of Applicant)

Mr M Anslow (Senior Environmental Health Officer)

Councillor C Hampson (in the Chair)

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Spice Island, 9 Market Place, Barnard Castle

The Committee considered the report of the Senior Licensing Officer regarding an application for the grant of a premises licence in respect of Spice Island, 9 Market Place, Barnard Castle (for copy of report, see file of minutes).

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

The premises already had a premises licence in place, but a new application had been submitted so that the second floor of the building could also be utilised for the provision of licensable activities and extend the licensing hours.

The application was considered at the Statutory Licensing Sub-Committee held on 16 July 2019 but during the meeting Mr Ahmed advised the Sub-Committee that he no longer intended the premises to have an external staircase accessible via the side alleyway and that revised plans were being prepared. Members agreed to adjourn determination of the application until such time as the Environmental Health Authority and all other persons making representations had been given the opportunity to consider the revised plans and provide an update response.

On 4 June 2019, the applicant amended the timing requested for licensable activities and the opening hours following mediation with Durham Constabulary.

Mediation had also taken place with the Durham Safeguarding Children Partnership.

Following mediation, the applicant had added additional conditions to the application.

Revised plans were submitted to the Licensing Authority on 23 July 2019 and copies were circulated to all persons making representations.

Additional information had been received from the Applicant and Other Persons which had been circulated to all parties prior to the meeting.

The Council's Environmental Health Department had responded that the removal of the external staircase had addressed their initial concerns and that they were now in a position to withdraw their representation.

Ms Rowell an Objector had indicated that the removal of the external staircase had addressed some of her concerns, but her objection remained. Ms Brown an Objector had indicated that her objection to the application remained.

Mr Anslow, Senior Environmental Health Officer, Durham County Council Environmental Health was in attendance and confirmed the removal of their objection.

The Applicant indicated that they had been in Barnard Castle for the last 25 years with no issues. They were active within the community from sponsorship to supporting the annual meat event in May. He felt that they

were an integral part of the community with a family fun restaurant. He had been a licence holder since the age of 18 and worked all over the north east as a bar and restaurant manager. He stated that he had a lot of experience in the licensing industry and was well equipped to deal with any issues. All staff would be heavily trained, and they had welcomed every condition asked for. He wanted the restaurant to be a safe environment for everyone. He referred to noise nuisance and anti-social behaviour and that the premises were located in the market place near a night club and public toilet so there was always going to be a congregation of people, they were not adding to this as they would be closed before the night club. They were a restaurant with a cocktail lounge on the second floor not a night club. They had worked with all parties including neighbours and had changed the plans to remove the external staircase and reduce the hours so that all parties were happy. He wanted to provide the best business he could for Barnard Castle.

Darlington BC, Councillor Ali, speaking on behalf of the Applicant indicated that she had spoken to staff at the premises and the manager's family had been going to the restaurant since he was 10 years old. There was a family community spirit around the business and was not about pollution or environment issues but giving back to the economic growth. There was a row of businesses in the Hight Street which were multi-cultural that was nice to have in a town. Staff at the premises were excited for the cocktail lounge and she could not see anything around the complaints that would be so detrimental to neighbours. The extension of the business would give back to Barnard Castle as jobs would be created. The feedback she had received from people she had spoken to was good and they had respected authorities when the works to the premises had been carried out.

Councillor L Brown sought clarification where the bins would be stored and if they had a smoking area.

The Applicant confirmed that the bins would be stored on their land to the rear of the property which would be emptied once a week. They had to drag the bins through the shared access onto the front on a night in readiness for the collection on the morning. They did not intend to have a designated smoking area but there were benches across the road which were on an open space. They did not want to promote smoking near their premises and there were no public smoking shelters in Barnard Castle. If they provided a canopy it would not just be there customers who would use it and they did not want a congregation of smokers.

Councillor L Brown asked about smoking in the alleyway.

The Applicant indicated that it was a private access, there was a gate, but this could not be locked as it was a shared access. They would not

encourage anyone to use the access and they would ask smokers to move across the road.

In Summing Up, the Applicant indicated that they had been in the process of redeveloping the business and had recruited in the local area. Their Manager and Chef were local, and they had increased their employment by 10 people and hoped to increase further with the cocktail lounge. They had plans to extend within Barnard Castle and 90% of their staff were from the area.

At 10.35 am the Sub-Committee retired to deliberate the application in private. After re-convening at 11.00 am the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Senior Licensing Officer, verbal and written representations of the Applicant and 'Other Persons'. 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 premises licence be granted as follows:

Licensable Activities	Days & Hours
Supply of Alcohol (Consumption on the premises)	Monday to Sunday: 07:00 to 00:00 hrs. Bank Holidays and Sundays before a Bank Holiday: 07:00 to 00:00 hrs Christmas Eve and New Years Eve: 07:00 to 02:00 hrs
Recorded Music (Indoors)	Monday to Sunday: 07:00 to 00:00 hrs Bank Holiday and Sundays before a Bank Holiday: 07:00 to 00:00 hrs Christmas Eve and New Years Eve: 07:00 to 02:00 hrs
Late Night Refreshment (Indoors)	Monday to Sunday: 23:00 to 00:00 hrs. Bank Holidays and Sundays before a Bank Holiday: 23:00 to 00:00 hrs Christmas Eve and New Years Eve: 23:00 to 02:00 hrs

Proposed Opening Times	<p>Monday to Sunday: 07:00 to 00:00 hrs.</p> <p>Bank Holidays and Sundays before a Bank Holiday: 07:00 to 00:00 hrs</p> <p>Christmas Eve and New Years Eve: 07:00 hrs to 02:00 hrs</p>
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Conditions following Mediation:

- a) CCTV system will be installed and maintained in good working order and be correctly time and date stamped. The system will incorporate sufficient built in-hard drive capacity to suit the number of cameras installed.
- b) CCTV will be provided in the form of a recordable system, capable of providing pictures particularly facial recognition. Cameras shall encompass all entrances and exists to the premise, where the sale/supply of alcohol occurs.
- c) CCTV recordings will be kept for minimum of 28 days and stored in a secure place and can be provided to police and authorised officers of the Local Authority for inspection.
- d) The Licence Holder, DPS, Manager shall inspect and test the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.
- e) A Challenge 25 policy will be implemented with all staff insisting on evidence of age from any person appearing to be under 25 years of age and who is attempting to buy alcohol. There shall be notices displayed at prominent positions around the premises advising customers of the Proof of Age policy in force at the premises.
- f) All staff shall be trained in the Proof of Age policy and the only acceptable evidence of age will be a valid photo identification confirming the purchasers age, namely a passport, photo driving licence or PASS approved proof of age card such as a Validate card or Citizen Card. All refusals will be recorded in a refusals register.
- g) The premises shall employ a minimum of 2 SIA door supervisors to patrol internal and external areas of the premises when the premises is open after 00:00.
- h) All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the 2003 Act and conditions of the premises licence. Staff will be trained in how to identify drunk or drug impaired customers.

- i) Written training records are to be kept for every member of staff and endorsed after every training session. Training shall be repeated biannually and will be made available to police and authorised officers of the Licensing Authority on request.
- j) The premises licence holder is to undertake right to work checks on all staff who are employed at the licensed premise in a paid or unpaid capacity. A copy of any documents checked as part of the right to work check are to be retained at the licensed premises. These documents will be made available to officers and responsible authorities when requested.
- k) Children under the age of 18 will not be allowed entry to or remain on the premises after 22:00.
- l) The licence holder, designate premises supervisor or manager shall actively participate in any local Pub Watch or similar scheme and shall be a member of any local radio scheme that allows to contact other venues in the area.
- m) An incident record shall be kept on the premises, recording any incidents of disorder, seizure of drugs or offensive weapons, record of persons been ejected from the premises and issues with the CCTV system. This will be available for inspection by the police or an authorised officer of the Licensing Authority at all times the premises are open.