

DURHAM COUNTY COUNCIL

At a Special Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 1B, County Hall, Durham on **Tuesday 5 November 2019 at 10.00 am**

Present:

Councillor C Carr (Chair)

Members of the Committee:

Councillors L Brown and M Wilson

Also Present:

C Hazell (Council's Solicitor)
H Johnson (Licensing Team Leader)
PC Robinson (Durham Constabulary)
Sgt Green (Durham Constabulary)
J McDonald (Applicant)
D Robson (Door Supervisor – Applicant)

1 Apologies for Absence

An apology for absence had been received from Councillor D Hicks.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Consideration of a Temporary Events Notice - The Market Place, Durham - application withdrawn

The Application had been withdrawn.

5 Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

The Chair had agreed to consider the determination of a Temporary Event Notice in respect of The Union/K2, 7-9 Front Street, Consett under any other business due to the time scales involved.

The Sub-Committee considered the report of the Corporate Director of Regeneration and Local Services regarding a Temporary Event Notice (TEN) relating to The Union/K2, 7-9 Front Street, Consett, Co Durham (for copy of report, see file of minutes).

A copy of the location plan had been circulated.

The TEN was for the sale by retail of alcohol, regulated entertainment and the provision of late night refreshment on Sunday 10 November 2019 between 2.00 am and 3.00 am for the bar downstairs and the nightclub upstairs.

The premises currently hold a premises licence issued under the Licensing Act 2003.

On the 31 October 2019, the Licensing Authority received an objection notice from Durham Constabulary on the basis that the event would undermine the licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

No response had been received from Environmental Health within the consultation period.

The Chair asked for confirmation of the event.

Mr McDonald the Applicant confirmed that the event was a special guest DJ and the TEN was required as the DJ was only available from 1.30 am to 3.00 am. The Applicant indicated that he was happy to remove off sales from the application.

The Chair indicated that the event had already been advertised.

The Applicant responded that someone had advertised the event on his behalf, he had advised them that the event should not have been advertised until the TEN had been granted.

The Applicant then advised Members that the event would be ticketed, so that he could check on capacity.

In response to questions, the Applicant indicated that they would have 7 door supervisors for the event and that the ground floor would be closed before the DJ arrived. He proposed to close the ground floor bar at 12.30 am and there would be 2 extra door staff on the floor upstairs.

Mr Robson, the Door Supervisor indicated that they would have 2 door supervisors on the front door and 4 on the dance floor.

Councillor Brown asked how they planned to remove non-ticket holders from the downstairs bar and what was the capacity of the venue.

The Applicant responded that they had a booth at the front entrance and access would not be allowed without a ticket. The venue had a capacity of 280.

The Chair asked how they would check that people downstairs were not given a ticket from elsewhere.

The Applicant responded that the tickets would be split so that they could check who was in the premises. They would also have a hand stamp in operation.

In response to a question from the Chair, the Applicant confirmed that they had CCTV cameras in operation, but they did not have facial recognition.

The Licensing Team Leader advised Members that the proposed number of door supervisors for the event was more than required on their current premises licence.

Sgt Robinson speaking on behalf of Durham Constabulary indicated that they had objected to the TEN on the grounds of protecting children from harm. The TEN application advised the applicant to read note 5, which he read out. The note asked you to clearly state the nature of the event which the applicant had not done and was the reason why they had objected to the TEN, as they were unable to make an informed decision.

The conditions on the premises licence were not transferrable to a TEN so there was no requirement to have door supervisors in place, CCTV etc. The Applicant had requested both on and off sales so patrons could leave the premises and consume alcohol on the streets until 3.00 am. Consett had a culture of late night drinking which would affect people in the areas and extend the period of crime and disorder. They were also concerned that the event had been advertised on social media and were selling early bird tickets for £10.00 but they had not described the event on the application form.

When completing the application form, the nature of the event directed you to look at note 5 and the guidance stated that the area needed to be populated with the information to allow the police to make an informed decision, that had not been done and was the reason why they had objected to the TEN.

There was currently significant disorder in Consett and was why he had invited the Sgt for the Consett area to attend the meeting. As they did not know what the event would entail, left Durham Constabulary with no choice but to object to the TEN.

He then referred to the advertising of the event and that they appreciated that they needed to make money and now that the reason for the TEN had been explained it was a pity that an important area of the application had not been completed in more detail, so that they could make a decision so that they could ensure that people were safe at that time.

The Chair queried why they had advertised the event until 3.30 am when the TEN was until 3.00 am.

The Applicant confirmed that this was drinking up time and that patrons would leave their venue and go next door to Chaplains that had a licence until 4.00 am.

Durham Constabulary indicated that there would be a lot of people in the street at one time, it may well be that Chaplains was not that busy at that time, but the volume of people the event could attract, concerned him that everyone could be in the street at that time.

The Applicant responded that this was the reason he proposed to employ extra door staff for the event.

Sgt Green who had recently joined the Consett area indicated that he was aware of an issue with crime and disorder in Consett around licensed premises. He had been in post at Consett for 4 days and this weekend there had been 4 incidents in the area with licensed premises, 3 of which were relating to The Union/K2 bar where door staff were potentially involved, but none of these incidents had been reported by the premises or door staff. As the new Sgt at Consett he planned to counteract issues in Consett.

The Chair asked why the incidents had not been reported as it was part of the licence.

Sgt Green responded that the incidents were under investigation at the moment, but he would expect to have been notified of the incidents by the premises.

The Applicant responded that they had incident logs at the premises and they did report incidents. They have CCTV installed and the footage was kept for 28 days. They had 2 hard drives and 14 cameras and as far as he was aware only one incident had taken place which was hearsay as no one had seen it happen and was not brought to their attention until after the premises had closed.

Sgt Green provided details of one of the incidents and the Applicant indicated that this was the incident that he was aware of that had been logged and signed off by the door staff.

The Chair asked if the same door staff would be used for the TEN, which was a concern if they were not reporting incidents.

The Door Supervisor indicated that it would all be logged at the door.

Sgt Green responded that if the incident had been reported to the police then they could have prevented any further disorder.

The Chair asked how they proposed to overcome what had been said today.

The Applicant responded that the reporting of the incident was his fault as the premises were shut but they reported any incidents straight away and logs were kept and signed off. He was currently amending the door log so that it included where the incident had taken place, so that they knew the areas where cameras needed to cover, he would also add more door staff if required. He had run bars and late night clubs for 5 years so was aware how bad it could get when really busy. He was happy to take into consideration anything the police wished to add to the TEN.

In response to questions, the Applicant confirmed the number of door supervisors for the TEN and advised that they would shut the downstairs bar early then move everyone who had a ticket upstairs via the front door which would give door staff a further opportunity check id, search bags and check for intoxication then check again at the pay desk. The door for the downstairs bar would be locked as there was a separate door for the upstairs area, the internal doors would not be used.

Sgt Green asked if they had CCTV on the stairs which the Applicant confirmed. He then referred to a further incident that had taken place on the stairs that involved a door supervisor which was under investigation.

The Chair asked if they had considered using body cameras for door staff. The Door Supervisor responded that they had looked into using body cameras, but they don't always have the same supervisors working.

The Chair indicated that a lot of premises in Durham were using body cameras that had been successful. He then suggested that the parties get together to reach an understanding.

The Council's Solicitor advised Members that they could not impose any extra conditions on the TEN.

The meeting adjourned at 10.45 am to allow parties to reach an understanding.

The meeting re-convened at 11.05 am.

Sgt Robinson indicated that if the TEN was granted then Durham Constabulary would like the conditions on the premises licence extended to the TEN.

They had a positive discussion with the Applicant and Sgt Green would be involved at every stage and the Applicant had agreed that when the tickets were checked at least one door staff would be at this area wearing a body camera and would continually be checking levels of intoxication.

The Applicant had also agreed that another door staff would be upstairs with a body camera and in the venue itself a further 2 door supervisors wearing body cameras.

The Applicant had made a phone call to ensure that the body cameras were achievable which was confirmed. The Applicant had also agreed to take some responsibility on the street until the area was reasonably cleared.

The Chair asked that any issues the police be contacted immediately.

The Licensing Team Leader asked that the agreement between the Applicant and Durham Constabulary be in writing, if the TEN was granted.

At 11.10 am the Sub-Committee Resolved to retire to deliberate the application in private.

After re-convening at 11.15 am the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee considered the report of the Senior Licensing Officer, the verbal and written representations of the Applicant and the Responsible Authority. Members had also taken into account the Council's Statement of Licensing Policy and S182 Guidance issued by the Secretary of State.

Resolved: (i) That the TEN be granted to 3.00 am with the conditions contained in their current premises licence.

(ii) Members asked the Applicant to fulfil the conditions agreed with Durham Constabulary.