

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Wednesday 21 December 2011 at 10.00 am**

### **Present:**

**Councillor J Shiell (Chair)**

### **Members of the Committee:**

Councillors B Arthur, J Hunter and J Wilkinson

### **Other Member:**

Councillor J Hunter

### **Also Present:**

H Johnson – Licensing Team Leader  
G Proud – Legal Officer  
K Monaghan – Senior Licensing Officer  
Sgt T Robson – Durham Constabulary  
M Williamson – Durham Constabulary  
L Richards – Applicant, Decades  
D Bartley – Applicant, Red Velvet

### **1 Declarations of Interest (if any)**

There were no declarations of interest received.

### **2 Consideration of a Temporary Event Notice - Decades, Consett**

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of 2 Temporary Event Notices in respect of Decades, Front Street, Consett (for copy see file of Minutes).

Sgt Robson, stated that Durham Constabulary objected to the TENs on the grounds that they would undermine the licensing objective of crime and disorder. The Police were in discussions with the management with regard to the future operation of their licence and was pleased with progress being made, but as these were at an early stage, he could not agree to the TENs.

The Police were concerned about problems of anti-social behaviour in and around Front Street, Consett and the impact it had on the community.

He referred Members to the documentation and photographs he had submitted detailing incidents that were either attributable to or within the vicinity of the premises, including an incident which had taken place on 18 December 2011.

The Police were also concerned that there would not be enough taxis to cope with the number of people on Front Street at that time of night. He believed that the problems would be exacerbated as the proposed events were at the height of the Christmas period when taxis would be in greater demand. In addition there was now a single zone policy which meant that more taxis were likely to travel to Durham City to operate from there.

L Richards, took Members through his submission, a copy of which had been circulated to Members which gave details of the premise's new management structure and objectives to prevent crime and disorder. He responded to the incidents referred to by Sgt Robson and stated that they could not all be linked to Decades.

With regard to transport he considered that the extension of 1 hour would mean leaving times from the nightclubs would be staggered and therefore taxis would be able to cope. As outlined in his submission 3 local firms had confirmed that they would be running taxis throughout those nights, although he had not received a written guarantee of this.

Members retired to deliberate the application in private at 10.52am and returned at 11.34am.

In reaching their decision, the Sub-Committee had considered the report of the Licensing Officer, the additional information circulated, and the written and verbal representations of the applicant and Durham Constabulary. The Sub-Committee also took into account the provisions of the Licensing Act 2003, the Council's Statement of Licensing Policy and Section 182 Guidance.

## **RESOLVED**

That the application be refused for the following reasons:-

The Sub-Committee was concerned that agreeing to extend the temporary licensable activities until 04:30 hours would result in a high volume of people leaving the premises at the same time, which would in turn result in an increased demand for transport facilities at a time when this service would be reducing.

The Sub-Committee believed that the high demand for taxis could not be met effectively and was concerned that the increased number of people on the streets at this time of night would lead to an increase in crime and disorder. They were also concerned that such numbers of people would result in disorderly behaviour adversely impacting on the community.

### **3 Consideration of a Temporary Event Notice - Red Velvet, Consett**

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of 2 Temporary Event Notices in respect of Red Velvet, Front Street, Consett (for copy see file of Minutes).

Sgt Robson, stated that Durham Constabulary objected to the TENs on the grounds that they would undermine the licensing objective of crime and disorder.

The Police were concerned about problems of anti-social behaviour in and around Front Street, Consett and the impact on the community. Despite the small capacity of the premises he believed it would have an impact on the surrounding area.

He referred Members to the documentation and photographs he had submitted detailing incidents that were either attributable to or within the vicinity of the premises, including an incident which had taken place on 18 December 2011, where some of the males involved had stated that they had come from Red Velvet.

The Police were also concerned that there would not be enough taxis to cope with the number of people on Front Street at that time of night. He believed that the problems would be exacerbated as the proposed events were at the height of the Christmas period when taxis would be in greater demand. In addition there was now a single zone policy which meant that more taxis were likely to travel to Durham City to operate from there.

If granted the TENs were for 6 hour periods and the Police were concerned that the conditions of the existing Premises Licence would be superseded by the Notices, and licensable activities would be unregulated between 00:00 and 06:00.

D Bartley, the applicant referred to his submission which had been circulated to Members, and which included details of the special arrangements to be put in place during the events. The submission also gave details of the responses from taxi firms which would be operating on the evenings applied for. As Red Velvet was open later than other nightclubs, and in view of its limited capacity, he considered that there would be adequate taxi provision. He also believed that as most of the taxis were private hire, people would book in advance.

D Bartley responded to the incidents referred to by the Police and his responses were detailed in a separate submission circulated to Members.

In response to questions D Bartley advised that in effect he was only applying for 1 extra hour but had applied from 12 midnight by mistake. He assured Members that the premises would operate as normal during the events, in accordance with the conditions of their Premises Licence and as detailed in his submission.

Members retired to deliberate the application in private at 12.10pm and returned at 12.35pm.

In reaching their decision, the Sub-Committee had considered the report of the Licensing Officer, the additional information circulated and the written and verbal representations of the applicant and Durham Constabulary. The Sub-Committee also took into account the provisions of the Licensing Act 2003, the Council's Statement of Licensing Policy and Section 182 Guidance.

## **RESOLVED**

That the application be refused for the following reasons:-

The Sub-Committee accepted that Red Velvet was a smaller venue and therefore would not have the same number of patrons leaving at the same time as other nightclubs in the vicinity. Having taken this factor into consideration, the Sub-Committee continued to be concerned that agreeing to extend the temporary licensable activities until 06:00 hours would result in a significant increase to the drinking time with the potential for a large number of patrons to be leaving the premises at the same time. They believed that this would result in an increased demand for transport facilities at a time when less taxis would be available.

The Sub-Committee were concerned that the cumulative effect of limited transport and the extended licensable activities would result in a large number of people leaving the premises at once, increasing the number of people in the streets at this time of night and would therefore lead to an increase in crime and disorder. They were also concerned that such numbers of people would result in disorderly behaviour adversely impacting on the community.

The Sub-Committee was also concerned that the TEN stipulated 0:00 to 06:00 and as such the notice, if approved would supersede the current licence provisions in place and any licensable activities would be unregulated during this period.