

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Tuesday 28 March 2023 at 9.30 am**

Present:

Councillor L Brown (Chair)

Members of the Committee:

Councillors C Hunt and M Wilson

Also in Attendance:

H Johnson – Licensing Officer

C Hazell – Durham County Council Solicitor

Sergeant C Dickenson – Durham Constabulary

PC I Robertson – Durham Constabulary

P Clarke – Durham Constabulary Solicitor

T Haley – Licence Holder

R Taylor – Licence Holder's Solicitor

1 Apologies

Apologies for absence were received from Councillor E Peeke and Councillor I McLean.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Review of a Premises Licence - The Drunken Duck, 91a Claypath, Durham, DH1 1RG

The Chair welcomed everyone to the meeting and introductions were made.

The Licensing Team Leader gave Members an update on the review of the premises licence in respect of the Drunken Duck, 91a Claypath, Durham (for copy of report, see file of minutes). Members were informed that discussions had taken place between the owner of the Drunken Duck and Durham Constabulary since the summary review hearing on 6 March, with both

parties now in agreement with new conditions outlined in the report to replace existing conditions. It was noted that an application had been made to name a new Designated Premises Supervisor (DPS) in Mr Coles. Further discussions had taken place and an Identification (ID) Scanner was being installed which was confirmed by an email showing the scanner had been ordered.

Councillor Hunt asked if an additional condition could be added making it mandatory for door supervisors to wear body cameras and also around attendance at Pub Watch.

The Licensing Team Leader informed Members that the question regarding door supervisors would be best asked of the Licence Holder, adding that it was advised by Pub Watch not to add attendance as a condition so this wouldn't be appropriate.

In response to Councillor Hunt, the Licence Holder's Solicitor, Mr Richard Taylor noted that cameras had already been bought so this wouldn't be an issue, Mr Taylor added that Pub Watch was a volunteer group and there could be issues around attendance if made a condition, adding that a representative would be attending the meetings.

Councillor Brown asked who was responsible for the staffing of the premises.

The Licensing Team Leader informed Members it was the responsibility of the owner. The Licence Holder's Solicitor noted that on the night of the incident a professional company with a good reputation had provided the staff, and the firm had been relied on to provide a professional service which had not been the case.

Durham Constabulary Solicitor, Mr Clarke addressed the Committee and noted that after the incident there was concern regarding the lack of engagement by the Licensee, it was however agreed that the Licence Holder had been let down by the door staff on the night had that swift action been taken. The Committee were informed that since the review hearing interactions with the licence holder had been much more positive, the conditions had been reviewed and everyone was happy with these. Durham Constabulary Solicitor noted that eyes would be on the premises with the busy Easter weekend approaching, it was hoped lessons had been learned from the incident with appropriate measures now in place and attendance at Pub Watch would show further positive engagement. Police Constable Robertson addressed the Committee and reiterated that there had been positive engagement with the owner, and that the conditions proposed had been fully agreed, noting the paperwork showed a clear dialogue between both parties. Police Constable Robertson raised concerns around Pub Watch in Durham noting it had its issues and was poorly attended, informing the

Committee the last time a representative from the Drunken Duck was in attendance was July. The Licence holder was strongly advised to attend meetings for their own benefit, as with a strong Pub Watch incidents such as the one at the Drunken Duck could have been avoided. The door staff wearing body cameras was welcomed and would help protect everyone, it was again acknowledged that the door supervisors on the night let the premises down, the greater concern was the lack of action taken by the staff.

Councillor Brown questioned the number of incidents that taken place from this establishment, and if Durham Constabulary believed the conditions would deal with the issues.

The Police Constable informed Members that the incidents from The Drunken Duck were not out of the ordinary. It was confirmed Durham Constabulary believed the conditions would solve the issues and were happy with the proposals and reiterated the importance of Pub Watch.

The Licence Holder's Solicitor addressed the Committee informing Members that both parties had been working together on the proposal in front of the Committee, noting the incident which had led to the expedited review was awful, that it had now been accepted that the premises had been let down by the door staff on that night. The Licence Holder's Solicitor informed the Committee the owner had suffered substantial loss due to the closure of the premises. During this time the Licence Holder had acted responsibly by replacing the door team, investing in body cameras, engaging with the Police in proposing new and enforceable conditions and changing the DPS with five members of staff having now undertaken new training. The Licence Holder's Solicitor added the suspension was never appealed and the Licence Holder went about dealing with the issues, purchasing the ID scanners and implementing a more robust Challenge 25 at doors.

Councillor Hunt questioned the use of the scanner and their effectiveness at preventing under age drinking.

The Licence Holder's Solicitor noted that the scanners would be a way to check the validity of an ID adding that Challenge 25 would still be implemented on doors.

Councillor Wilson enquired if bar staff would still challenge even after door staff already have, the Licence Holder's Solicitor confirmed this would be the case.

The Chair noted the change in DPS, the Licence Holder's Solicitor confirmed the DPS was not in attendance at the meeting. With regard to the change of DPS it was felt 'an older head' was needed.

The Chair questioned the refurbishment sign that had been seen on the Premises. The Licence Holder confirmed this had been mostly cleaning after the incident. Councillor Brown also asked if the Licence Holder had considered a breathalyser and a name change of the Premises.

The Licence Holder's Solicitor noted the breathalyser would be something to be discussed with the Police adding the name change was something to be considered.

In summing up, the Licence Holder's Solicitor noted the Licence Holder had worked hard to remedy all issues, had been let down by the door staff on the night and hoped the Committee would lift the suspension on the licence.

The Chair commented that the incident had been horrific and hoped it would not be repeated.

At 10.10 am The Committee **Resolved** to retire to deliberate the application in private. After re-convening at 10.50 am, the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change, together with representations from Durham Constabulary, the Licence Holder and the Licence Holder's Solicitor. Members also took into account the Councils Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

- a) That the agreed conditions and new condition regarding body cameras be imposed, in order to promote the licensing objectives. These will replace the current conditions on the licence.
- b) That the interim steps be modified, to lift the suspension and impose the agreed conditions and new condition, regarding body cameras, starting immediately in accordance with s. 53D of the Licensing Act 2003. These interim steps apply until the end of the period given for appealing against this decision (21 days) or if this decision is appealed against, the time the appeal is disposed of. Following this, the review hearing decision in paragraph a) will commence.