

DURHAM COUNTY COUNCIL

Statutory Licensing Sub-Committee

At a meeting of the **Statutory Licensing Sub-Committee** held in **Committee Room 2, County Hall, Durham** on **Tuesday 22 October 2024** at **9.30am**

Present:

Councillor C Hampson in the Chair

Members of the Sub-Committee:

Councillors L Brown and M Wilson

Also Present:

Z Deagle - Council's Solicitor

H Johnson - Licensing Team Leader

Mr J McDonald – Applicant / Premises Licence Holder

Mr T Robson - TJR Licensing representing the Premises Licence Holder

Mr R Fisher - Triton Risk Management for the Premises Licence Holder

Mr R Charnock - Triton Risk Management for the Premises Licence Holder

Sgt C Dickenson - Durham Constabulary

PC I Robertson - Durham Constabulary

M Clarkson - Durham Constabulary, Licensing Department

Mr R Wormald – Senior Environmental Health Officer

1 Apologies for Absence

Apologies for absence were received from Councillors Bihari and Howey.

2 Substitute Members

No substitute members were present.

3 Minutes

The minutes of the meeting held on 23 April 2024 were agreed as a correct record and signed by the Chair.

4 Declarations of Interest

No interests were declared.

5 Application to Vary a Premises Licence – K2/Time, 7-9 Front Street, Consett, Co Durham, DH8 5AF

The Licensing Team Leader presented the report of the Corporate Director of Neighbourhoods and Climate Change which requested the consideration and determination of an application for the variation of a premises licence for K2/Time, 7-9 Front Street, Consett, Co Durham, DH8 5AF (for copy of report, see file of minutes).

The Licensing Team Leader outlined the application which requested that the terminal hour for licensed activities be extended by one hour from 2.00am to 3.00am. The application also notified a change in the premises' trading name from K2/Time to K2/Union. It was noted that the licensing authority received two representations in objection to the application from Durham Constabulary and Durham County Council's Environmental Health Department. The Licensing Team Leader concluded by outlining the options available to the Sub-Committee.

No questions were raised in relation to the report.

The Chair invited PC Robertson to address the Sub-Committee on behalf of Durham Constabulary, in objection to the application. PC Robertson referred to the additional information which was circulated to the Sub-Committee prior to the hearing (for copy see file of minutes) and he explained that Durham Constabulary's objection to the application related to the licensing objectives of the prevention of crime and disorder and public safety.

PC Robertson stated that K2/Union traded two hours beyond the framework hours on weekdays and one hour beyond on weekends and that Front Street, Consett had numerous licensed premises, including two venues which were open until 3.00am, namely Chaplains and Singers bar. The Applicant was the premises licence holder and designated premises supervisor for Chaplains and another bar, Calamity's and Durham Constabulary questioned how the premises licence holder could supervise three premises at once. It was noted that Durham County Council's Statement of Licensing Policy for 2019 to 2024 stated it was 'good practice for the designated premises supervisor or premises licence holder to be present at the premises between 11pm and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale of alcohol or at all times when the premises are a vertical drinking establishment where little or no seating is provided'.

PC Robertson informed the Sub-Committee that both K2/Union and Chaplains were closed in late 2021 after incidents of disorder. At that time K2/Union was licensed until 2.30am whilst Chaplains had a 4.00am licence. On reopening in April 2022, both premises reduced their hours to 2.00am.

A 3.00am licence was then granted for Chaplains which came into effect in December 2023 and since the granting of the 3.00am licence for Chaplains, there had been a 40% increase in calls to Durham Constabulary after 2.00am. The total number of incidents reported at Chaplains since the beginning of 2024 was 30, with 12 incidents occurring after 2.00am and a summary of the incidents was provided by Durham Constabulary. By comparison, Singers bar only had one reported incident in 2024.

During 2024 K2/Union reported few incidents as it had not regularly traded, however, during a temporary event at the premises at the end of March 2024, a violent incident occurred which required police attendance. An intoxicated male was found to be in possession of five bags of cocaine and he was subsequently arrested. PC Robertson stated Durham Constabulary's view was that a further 3.00am licence was unnecessary and there were concerns relating to the impact of extended alcohol sales on patrons, local residents and the community.

The Sub-Committee noted that a temporary event notice was submitted by the premises licence holder for K2/Union to cover 2.00am until 3.00am on 3 November 2024.

Questions were then invited.

In response to a question from the Sub-Committee as to how many incidents occurred at Chaplains prior to 2023, Durham Constabulary responded that there were two incidents. The Sub-Committee asked whether there were links to organised crime and Durham Constabulary confirmed that links to organised crime had been investigated in the area.

Mr Wormald, Senior Environmental Health Officer, was invited to outline the submission on behalf of Environmental Health. Mr Wormald stated Environmental Health's objection was on the grounds of the prevention of public nuisance. He highlighted that the variation would take the licensing hours into the early morning hours when noise was likely to travel. Properties on Albert Road and Palmerston Street were in close proximity to the premises and there were concerns regarding patrons leaving the venue at 3.00am and the impact this would have on the wider community from noise generated by raised human voices. Mr Wormald pointed out that the additional hour requested was outside Durham County Council's framework hours.

The Council's Solicitor clarified that the objections from Durham Constabulary and Environmental Health related to the extension of the terminal hour and there was no objection to the change of the trading name.

Mr Robson from TJR Licensing representing the premises licence holder, was then invited to address the Sub-Committee.

He highlighted that the premises licence holder was the chair of Pub Watch in Consett and he was also a qualified aeronautical engineer. He informed the Sub-Committee that he had provided licensing training to the premises licence holder who had gained 100% in the personal licence holder level 2 training which was exceptional. He had also delivered licensing training to the premises licence holder's staff, which included training on licensing policies and procedures, the prevention of public nuisance and the police definition of a 'drunk.'

With regard to noise levels, the premises licence holder's representative highlighted that the premises licence holder had taken steps to reduce noise levels by installing signs at entry and exit points and by ensuring music volumes were lowered towards the end of the night.

He commented that Environmental Health had not produced any evidence of recorded noise levels, complaints or breaches by the premises licence holder. He added that the premises licence holder had experienced residents living near to the premises, asking for free drinks and threatening to make complaints regarding noise, if their request for free drinks was refused.

The premises licence holder's representative highlighted that Chaplains and Singers bar were open until 3.00am and he questioned whether another bar, opening for an extra hour would have a significant additional impact and he provided the view that smaller groups of patrons leaving multiple venues would lead to fewer problems. He added that the premises licence holder intended to appoint designated premises supervisors at two of his premises, however, there was no legal requirement to do so.

The premises licence holder's representative further pointed out that there was no cumulative impact policy in place in County Durham and the premises licence holder was willing to change his application to 2.45am for the sale of alcohol, for a 3.00am closure of the premises. He commented that, prior to the Licensing Act 2003, nightclubs could operate until 2.00am for a 2.20am closure.

He suggested that closure of another bar in the vicinity may have resulted in organised crime moving to K2/Union and the premises licence holder would offer every assistance to Durham Constabulary to prevent organised crime. The premises licence holder's representative stated that during the incident at the temporary event, five bags of cocaine were found, which indicated personal use, bordering on the sale of drugs. He added that he had experienced people at festivals, with the intention to sell drugs, being found in possession of twenty to thirty bags of cocaine.

The person involved in the incident had consumed alcohol for approximately 12 hours prior to the incident and the premises licence holder's security staff dealt with the situation appropriately, by refusing entry.

Reiterating that the premises licence holder was willing to change the application to 2.45am for cessation of the sale of alcohol, for a 3.00am closure, the premises licence holder's representative pointed out that some venues in County Durham operated 24 hours per day. He stated that whilst risk could not be measured, it could be reduced through displacing the footfall over multiple premises. He also highlighted that, on average this year there had been only one incident reported to the police every 31 days. Furthermore, the premises licence holder had agreed to appoint designated premises supervisors in respect of two of his premises.

The premises licence holder's representative then referred to the incidents at Chaplains reported to the police since the beginning of 2024 and he provided the premises licence holder's interpretation of some of the incidents, as follows.

The premises licence holder's representative referred to the incident on 7 January 2024, stating that all the parties involved in the incident were identified and subjected to a Pub Watch ban. There was no evidence that the intoxicated female had been at Chaplains with regard to the incident on 14 January 2024. Further investigation was required relating to the incident on 25 February 2024, which it had not been possible for the premises licence holder to carry out at short notice. Referring to the incident on 2 March 2024, the premises licence holder's representative pointed out that the venue was closed at the time of the incident.

Mr Fisher of Triton Risk Management addressed the Sub-Committee, explaining that he had been Team Leader for security provision at Chaplains for the past six months and his background was in prison and specialist security services. His appointment was a result of the premises licence holder acknowledging the risks associated with the venue and he added that the increase in reports of incidents had occurred in recent months, due to the premises licence holder's open and transparent reporting to the police. He clarified that references to calls being made approximately 45 minutes after an incident occurred was due to the fact that it was necessary to take time to ensure that risks of further incidents occurring were mitigated. Referring to discrepancies regarding the identity of individuals, Mr Fisher stated that it was not always possible to verify the information provided by eye-witnesses. Mr Charnock of Triton Risk Management, also commented on specific points relating to security.

The Sub-Committee viewed CCTV footage of an incident at Chaplains when a fight occurred inside the venue; a woman was knocked over and door staff were assaulted. The footage showed Mr Fisher safely restraining the suspect, in addition to managing the crowd and de-escalating the situation. Mr Fisher remarked that the security staff controlled the incident and safely restrained the suspect until the police arrived. He highlighted that the security staff were well respected by patrons and he added that violent incidents were not caused by bad management.

The premises licence holder's representative commented that multiple venues provided a higher ratio of security staff to maintain order and to support the police in their objectives. He added that the video footage showed experienced security staff, with high levels of skill, managing risk within the premises and in particular he pointed out the care taken to ensure the suspect was safely restrained.

Mr Fisher then continued to provide the premises licence holder's view of the incidents at Chaplains during 2024. He stated that the incident on 15 July 2024 was during the Euro football competition, when security staff dealt with a drunken male who was placed on Pub Watch, as CCTV was used to identify the persons involved. The incident on 20 July 2024 was reported after 3.30am, ie after the venue had closed.

The premises licence holder pointed out that this incident and other incidents may have originated at the taxi rank which was located next door to the venue. On 24 August 2024, the police were called and security staff supported the police throughout the incident. With regard to the incident on 14 September, this followed an intoxicated person attempting to enter the venue and being refused entry. The situation was reported and the individual was arrested, however, no CCTV footage was requested.

The premises licence holder's representative referred to Durham Constabulary's view that the 3.00am licence was unnecessary and the granting of the application would increase crime and disorder. He referred to a stepped approach to prevent issues from escalating and he stressed that the premises licence holder was willing to actively engage with the police. The premises licence holder also addressed the Sub-Committee on specific points and the correlation between the incidents during the months when another bar in the vicinity, Bar 1, was closed.

Questions were then invited.

The Licensing Team Leader asked for confirmation that the premises licence holder intended to amend his application to 2.45am for the sale of alcohol and the representative confirmed that was correct.

The Licensing Team Leader also asked if the premises licence holder would change the designated premises supervisor for K2/Union and the premises licence holder replied that it was his intention to remain as the designated premises supervisor for K2/Union and he would appoint premises supervisors for his two other premises, however, he would be willing to reconsider that, if Durham Constabulary had a different view.

Durham Constabulary asked the premises licence holder's representative for clarification on the training he provided as they did not provide licensing training. The premises licence holder's representative responded that he used the police methodology of the definition of 'drunk.'

Durham Constabulary questioned which venues in County Durham had 24 hour licences as they were not aware of any and the premises licence holder cited The Victoria pub in Spennymoor as an example. Durham Constabulary stated that whilst the venue had 24 hour opening, the sale of alcohol was only until 11pm. Other examples were provided by the premises licence holder's representative which were disputed by Durham Constabulary. Durham Constabulary noted that the last cumulative impact assessment in County Durham was in 2021 and the legislation had changed. Referring to comments made by the premises licence holder's representative, Durham Constabulary asked whether he was of the view that carrying five bags of cocaine was not possession with intent to supply. The premises licence holder's representative clarified that in his view, five bags could be deemed as being for personal use, or, it could be considered possession with intent to supply.

Durham Constabulary then referred to a violent incident at Chaplains which occurred at 1.56am and resulted in the venue being subject to a closure notice. The incident was not reported as the premises licence holder stated his phone was not working at the time. Durham Constabulary struggled to obtain CCTV footage and when the footage was provided it was poor quality. Mr Charnock pointed out that a change of door staff had occurred since that time.

Durham Constabulary pointed out that they had not been provided with the explanations given for the specific incidents, therefore they had no opportunity to corroborate the information and they questioned why there had been no written representation from the premises licence holder prior to the hearing. Mr Fisher responded that he had worked at the venue for the past six months however he had not met any of the representatives from Durham Constabulary who were present at the hearing. Durham Constabulary responded that there had been approximately 40 visits to Chaplains by police officers.

The premises licence holder's representative replied that his client only received the additional information from Durham Constabulary on the Thursday prior to the Sub-Committee meeting and Durham Constabulary clarified that the initial objection was previously sent to the premises licence holder's agent.

The Senior Environmental Health Officer commented that smaller groups of people could lead to noise being more audible, as smaller groups tended to generate more impulsive noise. The premises licence holder asked why there had been no objection to the original temporary event notice and the Environmental Health Officer responded that he was not aware of the reason for there being no objection lodged at that time.

The Sub-Committee expressed disappointment that the information on the proposed changes to the timings and the designated premises supervisors had not been made available prior to the Sub-Committee meeting.

In response to a question from the Sub-Committee as to whether a refusals book was held, the premises licence holder produced the refusals book and provided information from it. The Sub-Committee asked the premises licence holder to clarify exactly what he was applying for and the premises licence holder confirmed that it was 2.45am cessation of the sale of alcohol for a 3am close and he added that he would consider changes to the designated premises supervisors at two of his premises. The Sub-Committee asked the premises licence holder to clarify why he requested the extra trading time and the premises licence holder stated the venue was more like a nightclub than a bar and the additional time would help to stagger the number of people exiting venues at any one time. He stressed that whilst his business was to make profit, profit was not at the expense of safety. Responding to a question from the Sub-Committee as to the clientele, the premises licence holder replied that it was a mixed clientele, the majority of whom were over the age of 25.

All parties were given an opportunity to give a final address.

Sgt Dickenson summed-up on behalf of Durham Constabulary stating that evidence had been provided of incidents regularly occurring in Consett between 2am and 3am. Chaplains had been given an opportunity to increase its hours from 2am to 3am last December, however incidents had increased leaving the public and door staff at risk. The Sub-Committee had also heard of serious crime and disorder linked to Consett which had led to a bar losing its licence. Durham Constabulary was concerned that if another venue were to open until 3am it could lead to more bars requesting later opening hours.

Summing-up on behalf of the premises licence holder, the representative stated that resident DJs operated until the early hours of the morning and he reassured the Sub-Committee that the premises licence holder would take measures to ensure noise was managed and close liaison would be carried out, with the police, to ensure the licensing objectives were promoted. He confirmed that designated premises supervisors would be appointed at two premises to ensure the premises licence holder was able to dedicate time to one venue. In conclusion, the premises licence holder's representative confirmed the premises licence holder offered 2.45am alcohol cessation and the winding down of the venue by 3.00am.

At approximately 11.15am the Sub-Committee **Resolved** to retire to deliberate the application in private. The meeting reconvened at approximately 12 noon and the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee took into account the written and oral representations together with CCTV footage submitted by the premises licence holder. The Sub-Committee also considered the Council's Statement of Licensing Policy and s.182 guidance issued by the Secretary of State.

RESOLVED

The Sub-Committee determined to reject the application for a variation to extend the terminal hour for all currently licensed activities by one hour from 02.00 hrs to 03.00 hrs (as per the written application dated 3rd September 2024) or from 02.00 hrs to 02.45 hrs (as per the oral evidence given by the premises licence holder during the Sub-Committee).

There was no objection to the notification of a change in trading name of the premises from K2/Time to K2/Union.