

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 16 August 2016 at 10.00 am**

Present:

Councillor L Marshall (Chairman)

Members of the Committee:

Councillors O Gunn and B Kellett

Also Present:

C Hazell - Council's Solicitor
K Robson - Senior Licensing Officer
Sgt M Urwin – Durham Constabulary
PCSO M Haigh - Durham Constabulary

The Kiosk, Freemans Reach

S Smith - Sintons Solicitors, Applicant's Agent
B Rostran – Director of the Kiosk

Cineworld, Dalton Park

R Taylor – Gosschalks Solicitors, Applicant's Representative
S Bruce – Regional Manager of Cineworld

The Grand Hotel, Bishop Auckland

D Smith - Applicant

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - The Kiosk, Freemans Reach, Freemans Place, Durham

Consideration was given to the report of the Senior Licensing Officer regarding an application for a Premises Licence in respect of The Kiosk, Freemans Reach, Freeman Place, Durham (for copy of report, see file of minutes).

A copy of the application, location plan and supporting documents had been circulated.

After the consultation period mediation had taken place between the Applicant's Solicitor and Durham Constabulary. As a result the Applicant had amended their operating schedule a copy of which had been circulated.

PCSO M Haigh was in attendance and indicated that he had been unable to mediate within the consultation period as both he and the applicant's agent were on holiday.

Ms Smith from Sintons Solicitors who was representing the Applicant indicated that the Applicant was Salmon Bars Limited and Mr S Rostran a Director of the company was in attendance today. The business was a family company which also operated the City Hotel in Durham and the Castle Eden Inn, they were experienced officers and the days and hours were as set out in the report.

The company had taking on the lease of the Kiosk, Freemans Reach, Freemans Place, Durham which was an excellent location. The Kiosk was always earmarked as a restaurant/café bar from the outset. The Kiosk would operate full days and nights and would offer breakfasts, lunch and evening meals as well as quality drinks. It is a small venue with seating for 34 inside and external seating. It was a deli style bar and they had accepted the additional conditions which they had been unable to mediate prior to the deadline due to holidays.

A copy of the menu and business plan had been circulated to members at the meeting.

At 10.10 am the Sub-Committee retired to deliberate the application in private. After re-convening at 10.15 am the Chair delivered the Sub-Committee's decision. In reaching their decision, Members had taken into account the written and verbal representations of the Applicant and the written representations of Durham Constabulary. Members also considered 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:-

Activity	Days and Times of Licence
Supply of Alcohol (on and off sales)	10.00-24.00 hours Sunday to Thursday 10.00-01.00 hours Friday and

	<p>Saturday</p> <p>An additional hour on Good Friday and the evenings preceding a Bank Holiday</p> <p>From the end of permitted hours on New Year's Eve until the start time on New Year's Day</p>
Films, Recorded Music, Entertainment similar to Recorded Music (indoors only)	<p>07.30-24.00 hours Sunday to Thursday</p> <p>07.30-01.00 hours Friday and Saturday</p> <p>Seasonal hours as per the sale of alcohol above</p>
Late Night Refreshment (indoors and outdoors)	<p>23.00-24.00 hours Sunday to Thursday</p> <p>23.00-01.00 hours Friday and Saturday</p> <p>An additional hour on Good Friday and the evenings preceding a Bank Holiday</p> <p>New Year's Eve 23.00 hours until 05.00 hours</p>
Opening Hours	<p>07.30-00.30 hours Sunday to Thursday</p> <p>07.30-01.30 hours Friday and Saturday</p> <p>Seasonal: to close 30 minutes beyond the finish times of the licenced activities</p>

The conditions agreed between the Applicant and the Responsible Authorities and approved by the Sub-Committee are outlined below:-

1. The operator shall ensure that all times when the premises are open for any licensable activity there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
2. The operator and designated premises supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events.
3. Substantial food and non-alcoholic beverages shall be available throughout permitted hours.
4. Waiter or waitress service will be available at all times.
5. No unaccompanied children under 16 years of age will be admitted to the premises after 21:30 hours.

6. A CCTV system shall be designed, installed and maintained in proper working order to the satisfaction of and in consultation with Durham Police. Such a system shall:-
 - i) be operated by properly trained staff;
 - ii) be in operation at all times that the premises are being used for a licensable activity;
 - iii) ensure coverage of all entrances and exits to the licensed premises internally and externally;
 - iv) provide continuous recording facilities for each camera to a good standard of clarity. Such recording shall be retained on paper, tape disc or otherwise (for a period of 28 days, or as described by the Licensing Authority/Police) and shall be supplied to the Licensing Authority or Police Officer on request;
 - v) a CCTV monitor shall be located behind the bar area to allow continual monitoring by members of staff.
7. The rights of entry permitted under s179 Licensing Act 2003 shall be extended to Police Community Support Officers employed by Durham Police.
8. The maximum number of persons permitted on the premises at any one time shall not exceed the safe capacity as prescribed by fire safety legislation.
9. The premises will provide written evidence of the maximum capacity for the premises and this will be displayed at the main entrance and exit. This capacity will be as stated in the fire safety risk assessment carried out in accordance with the Regulatory Reform (Fire Safety) Order 2005.
10. The designated premises supervisor shall ensure that there are effective management arrangements in place to enable him/her to know how many people there are in the premises at times prescribed within the management risk assessment.
11. No noise from the licensed premises, including noise from patrons, amplified music and live music shall be audible beyond the boundary of the premises so as not to cause nuisance to nearby residents.
12. All members of staff at the premises shall seek credible photographic proof from any person who appears to be under the age of 25 years and is seeking to purchase and/or consume alcohol on the premises. Such credible evidence shall include a photograph of the customer which will either be a passport, photographic driving licence or proof of age carrying a PASS logo. The premises will record the name, date of birth and the type of ID documentation provided for those persons seeking to consume alcohol under the exemption provided within Section 150(4) of the Licensing Act and those records will be made available for inspection by the police or an authorised officer on reasonable request.

13. Maintain a refusal register – where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register to be updated. The register to be made available to the police on request.
14. Training of staff – all staff responsible for selling age restricted goods to be trained to implement the age of verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

5 Application for the Grant of a Premises Licence - Cineworld, Dalton Park Outlet Shopping Centre, Murton

Consideration was given to the report of the Senior Licensing Officer regarding an application for a Premises Licence in respect of Cineworld, Dalton Park Outlet Shopping Centre, Murton, Co Durham (for copy of report, see file of minutes).

A copy of the application, location plan and supporting documents had been circulated.

The Applicant's Agent within the consultation period had negotiated additional conditions with the Local Safeguarding Children's Board, a copy of which had been circulated.

After the consultation period mediation had taken place between the Applicant's Solicitor and Durham Constabulary. As a result the Applicant had amended their operating schedule, a copy of which had been circulated.

PCSO M Haigh on behalf of Durham Constabulary indicated that mediation had been unable to take place due to holidays. A copy of the mediated conditions could be seen at Page 106 of the report, which included the reduction in the sale of alcohol from 10.00 am to 2.00 am Monday to Sunday and the Performance of dance/live music and recorded music from 10.00 am to 2.00 am Monday to Sunday. The conditions were to protect children from harm and condition number 9 only allowed customers 2 alcoholic drinks. Durham Constabulary had also agreed to deliver child exploration training to staff every two years which they had taken on board but was not a condition on the licence.

Mr R Taylor of Gosschalks Solicitor, the Applicants Agent and Mr S Bruce, Regional Manager of Cineworld were in attendance and Mr Taylor indicated that they were hoping to open the cinema on the 9 September 2016. They needed a premises licence for films 24 hours a day, 7 days a week as films are released at various hours. Alcohol was a small part of the business but the same procedures would be applied as elsewhere which was two alcoholic drinks per ticket. The application had been amended to 2.00 am for the sale of alcohol and on sale only and the provision of music was just in case, which had been amended to 2.00 am. They would commend the application in its amended form.

At 10.25 am the Sub-Committee retired to deliberate the application in private. After re-convening at 10.30 am the Chair delivered the Sub-Committee's decision. In reaching their decision, Members had taken into account the written and verbal

representations of the Applicant and the written representations of Durham Constabulary. Members also considered 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:-

Activity	Days and Times of Licence
Sale of Alcohol (on sales only)	10.00-02.00 hours Monday to Sunday
Provision of Plays (indoors only)	00.00-24.00 hours Monday to Sunday
Provision of Films (indoors only)	00.00-24.00 hours Monday to Sunday
Provision of Live Music (indoors only)	10.00-02.00 hours Monday to Sunday
Provision of Recorded Music (indoors only)	10.00-02.00 hours Monday to Sunday
Provision of Performances of Dance (indoors only)	10.00-02.00 hours Monday to Sunday
Late Night Refreshment (indoors only)	23.00-05.00 hours Monday to Sunday
Opening Hours	00.00-24.00 hours Monday to Sunday

The conditions agreed between the Applicant and the Responsible Authorities and approved by the Sub-Committee are outlined below:-

1. Written protocols will be in place detailing Policies, Procedures, Roles and Responsibilities in the effective implementation and management of the licensing objectives. This documentation will be held 'on site' and made available to Responsible Authorities on reasonable request.
2. Authorised staff employed by Durham Police shall have free access to all parts of the licensed premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.
3. All staff training records will be signed, held 'on-site' and made available to Responsible Authorities on reasonable request.
4. A digital colour CCTV system will be installed and maintained to Home Office standards and recordings stored for a minimum of 28 days. The system will incorporate a 'Battery Back-up' system to enable continuous recording in case of any power blackout/failure. The premise will ensure that at least one trained member of staff is available to operate the system at all times the premise is open and download any images requested by an authorised officer at reasonable request.
5. Notices will be clearly displayed at the entrance and around the premise stating CCTV is in operation.

6. The premises will provide suitable devices (USB or disc) for the storage of downloaded images and these devices will be securely stored. These devices will be made available to Responsible Authorities on reasonable request.
7. The premise will maintain an incident book and record/report all instances of disorder both inside and directly outside the premise. This documentation will be held 'on-site' and made available to Responsible Authorities on a reasonable request.
8. Customers will be asked to leave if they are found to have brought their own alcohol into the cinema, and a record will be made of this ejection.
9. In order to purchase alcohol, a customer must present a valid adult/unlimited ticket and if necessary the appropriate Challenge 25 documents. There will be a limit of two alcoholic drinks per ticket which will be stamped upon service of alcoholic drinks. Tickets bearing two stamps will not be valid for further alcohol purchases.
10. Alcohol shall only be decanted into plastic glasses for consumption in auditoriums at all times.
11. The use of two-way radios to facilitate communication between management and staff will be in place.
12. The Designated Premises Supervisor (DPS) will actively work with the local Beat Officers/PCSOs in the reporting of any incidents connected to the premise.
13. The licensee shall display prominent notices in appropriate positions within the premises reminding customer to leave quietly.
14. The premises will operate a Challenge 25 scheme – notices setting out this policy will be displayed at all points of sale and within the premises.
15. A 'Proof of Age' scheme will operate including photographic identification at the box office and ticket check.
16. All age-restricted films (those classified by the BBFC as 12A, 15 or 18) will be strictly controlled by staff to prevent admittance by those under age.
17. Photographic ID may be requested at any performance.
18. All auditoriums will be patrolled regularly by staff and these patrols will be recorded and made available for inspection by police or an authorised officer on reasonable request.
19. No unaccompanied children under 12 years of age will be admitted to film performances commencing after 20:00 hours.

20. No unaccompanied children under 16 years of age will be admitted to film performances commencing after 22:00 hours or before 07:00 hours.
21. A 'Refusal Register' will be held within the premise and all refusals will be logged along with any behaviour associated with the refusal. All staff will be trained in its use. The Refusals Register will be made available to relevant authorities on request.
22. Alcohol will only be allowed in auditoria showing a film rated 12A and above by the British Board of Films Classification or during a streamed live performance of ballet, opera, theatre or music concert.
23. All staff involved in the sale of alcohol shall be properly trained in accordance with the Premises Licence holders own training programme and staff will complete refresher training every six months.
24. Maintain a refusals register - where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register to be updated. The register to be made available to the police on request.
25. Training of staff – all staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

Sgt M Urwin and PCSO M Haigh, Durham Constabulary, left the meeting.

The Sub-Committee adjourned at 10.30 am to allow the Solicitor to brief Members.

The meeting re-convened at 10.40 am.

6 Application for the Variation of a Premises Licence - The Grand Hotel, South Church Road, Bishop Auckland

Consideration was given to the report of the Senior Licensing Officer regarding an application to vary the Premises Licence in respect of The Grand Hotel, South Church Road, Bishop Auckland, Co Durham (for copy of report, see file of minutes).

A copy of the application, location plan and supporting documents had been circulated.

The Senior Licensing Officer, advised the Sub-Committee that Mrs Jave and Miss Smith who had objected to the application had indicated that they were unable to attend the meeting but had asked for a statement to be read out.

The Senior Licensing Officer, circulated a copy of the statement to all parties and read out the statement.

Mr Smith, the Applicant presented his case and indicated that he purchased the property in February 2015 which is a Grade II listed building. He had been a customer for 15 years and had seen many landlords come and go. The residents in the surrounding area were decent people and the premises were located off the beaten track so did not have passing trade.

The premises were an asset to the community and he had received the support from neighbours. His aim was to have a clientele similar to that of Weatherspoon's which would attract customers of all ages who would enjoy themselves.

The current licence meant that customers left to go to an alternative venue which was open much later. They had no history of been a problem premises and they wanted to extend the hours to allow customers to leave on a more staggered basis and to allow them flexibility.

He referred to the objections that had been received which were expected as they had been patrons of the public house but he had barred them due to comments they had made on social media. He then referred to the former chef who had been dismissed who was close friends with the objectors and how the police had to be called three times when she was evicted. The former chef had also indicated to him that she would ensure that they would not get the licence and that his windows would be put out which happened 2 days later. The objectors live in the terraced house but other residents in the area had supported the application.

He then referred to noise issues and indicated that this was not an issue and when he was a customer there were live bands on every Saturday but he only had a live band on every other week and the noise from these events were not classed as a nuisance.

He had made improvements to the road leading to the property, they close doors and windows when they have events and he has notices displayed outside to remind patrons to respect the neighbours and he goes outside to remind customers of this.

He referred to the one occasion when a customer had been found at the side of the road and that he was not drunk but had a bump on his head earlier that day and felt unwell.

No complaints had been made direct to him and commented that it was not possible to eliminate all noise but generally there was no noise. On 3 July 2016, he moved the karaoke to a different room as the music room was parallel with the terraced houses and they wanted to reduce the impact of noise.

Under the present licence bands can play until 11.45 pm and he was asking for this to be increased to midnight but generally bands would finish at 11.30 pm. The revised times had been agreed by the Police and Environmental Health.

He proposed to have a beer garden until 9.00 pm or sunset but this would not be complete until next year but they hoped to use the beer garden for food and barbecues and an overflow.

He stated that no objections had been received from the remaining responsible authorities or the remaining households in the terraced houses.

In summary, the Applicant indicated that he would promote the four licensing objectives and he would continue to work with his neighbours and customers. He appreciated that the licence could be reviewed at any time should it be granted and asked the Sub-Committee to grant the licence.

Councillor Gunn asked the Applicant for clarification on the police been called to the premises on three occasions.

The Applicant responded that the police had been called to the premises three times in the same day. All three incidents were in relation to the former chef who had been asked to leave. He had barred the former chef and her family from the premises and had to telephone the police on three occasions when they returned to the premises after they had been barred.

Councillor Kellett sought clarification if the premises had soundproofing. The Applicant responded that the building was a Grade II listed building but they had installed soundproofing on the middle floor and they drew the curtains to help with the noise. He indicated that they could get the curtains double lined to help with the noise but he did not think that they could install double glazing because of the listed building status.

The Chairman sought clarification if any representations had been made by Environmental Health. The Senior Licensing Officer advised the Sub-Committee that the noise team had no comments but had indicated that if noise occurred from the beer garden next year then they would investigate.

At 11.25 am the Sub-Committee retired to deliberate the application in private. After re-convening at 11.35 am the Chair delivered the Sub-Committee's decision. In reaching their decision Members had taken into account the written and verbal representations of the Applicant and the written representations of other persons. Members also considered the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the application to vary the premises licence be granted as follows:-

Activity	Days & Times of Licence
Sale of Alcohol (on and off sales)	08.00-23.40 hours Monday to Thursday 08.00-01.00 hours Friday, Saturday and Sunday
Provision of films (indoors only)	08.00-23.00 hours Monday to Sunday
Provision of live music (indoors only)	10.00-23.00 hours Monday to Thursday 10.00-Midnight Friday, Saturday and

	Sunday 10.00-01.00 hours Boxing Day and New Year's Eve
Provision of recorded music (indoors and outdoors)	10.00-23.00 hours Monday to Thursday 10.00-Midnight Friday, Saturday and Sunday 10.00-01.00 hours Boxing Day and New Year's Eve
Provision of performances of dance (indoors only)	10.00-23.00 hours Monday to Thursday 10.00-Midnight Friday, Saturday and Sunday 10.00-01.00 hours Boxing Day and New Year's Eve
Opening Hours	07.30 hours-Midnight Monday to Thursday 07.30-01.30 hours Friday, Saturday and Sunday 07.30-02.30 hours Boxing Day and New Year's Eve

The following conditions are imposed:

The Prevention of Crime and Disorder

- No serving of alcohol to any person who appears to be drunk;
- Full initial staff training to be carried out by DPS to ensure no alcohol is sold to anyone underage and refresher training to be carried out every 6 months;
- Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so;
- CCTV will be provided in the form of a recordable system capable of providing pictures particularly facial recognition. Cameras shall encompass all entrances and exits to the premises where the sale/supply of alcohol occurs.

Public Safety

- All plans and evacuation procedures will be posted and given to staff as part of their training;
- All fire exits shall be identified and marked as per the appropriate British Standard;
- A daily log will be kept that identifies any problems and incidents;
- First Aid equipment and treatment will be provided;
- The number of persons on the licensed premises will be limited to 200.

The Prevention of Public Nuisance

- Congregation of people outside of the premises will be discouraged;
- After 23.00 hours no extra persons will be admitted onto the premise;
- After 23.00 hours any persons leaving the premises will be escorted out and encourage to leave quietly.

The Protection of Children from Harm

- A challenge 25 Policy will be operated in the premises. Acceptable forms of identification will be a passport, photocard driving licence or PASS accredited identification card i.e. ID4U;
- A Refusal Register will be kept and endorsed after every sale refused. This should be maintained and will be produced to a relevant officer of the Police or a relevant officer of a responsible authority upon request. This is also to include over 18s purchasing alcohol and passing it to under 18s;
- No 18 to 20 year old birthday parties will be held on the premises while alcohol is available.