

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 5 December 2017 at 10.00 am**

Present:

Councillor L Marshall (Chair)

Members of the Committee:

Councillors C Hampson and M Wilson

Also Present:

Councillor Liz Brown

Gill Proud – Solicitor (DCC)

Yvonne Raine – Senior Licensing Officer

On behalf of Applicants:-

Duncan Moss – Chair

Robert Edmondson – Treasurer

Dawn Wright – Child Welfare Officer

Paula Swindale – Development Officer

1 Apologies for Absence

Apologies for absence were received from Councillors C Carr, D Bell and D Hicks.

2 Substitute Members

Councillor Hampson substituted for Councillor Bell and Councillor Marshall for Councillor Carr.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 31 October 2017 were agreed as a correct record and were signed by the Chair.

5 Application for the Grant of a Premises Licence - Sedgefield Cricket Club, Station Road, Sedgefield

The Committee considered a report of the Senior Licensing Officer regarding an application for the grant of a Premises Licence in respect of Sedgefield Cricket Club, Station Road, Sedgefield (for copy see file of Minutes).

The application and supporting information had been circulated to Members. The Sub-Committee was informed that the 'other persons' listed in the report were unable to attend and Members were asked to take into account their written representations. Gill Proud, Solicitor referred Members to a letter received from 'other person' Mr Brown who considered that the amended application addressed residents' concerns. However Mr Brown had understood that the licensing hours for all events would be restricted to 11.00pm Monday to Sunday which was not the case, and the Sub-Committee was therefore advised to consider his letter as an objection to the application.

Dawn Wright, Paula Swindale, Robert Edmundson and Duncan Moss were in attendance on behalf of Sedgefield Cricket Club.

Dawn Wright (Social Lead) advised that Sedgefield Cricket Club was a community asset and an important part of the village. The Club was a not for profit organisation which was self-funding and managed by a Management Committee who were all volunteers. Costs had increased and the social aspect of the Club was vital to maintain the facilities for both young people and adults.

The Club had 250 members in total, 125 of which were adults. An increasing number of non-members visited the Club who were required to sign the visitor's book. The Club appreciated the concerns of residents and had taken into account all of the objections submitted. The Management Committee took their positions seriously and responded to any issues quickly. During the application process the Club had complied with requests for additional conditions by the Police, Environmental Health and the Local Safeguarding Children's Board. A CCTV system was in place both inside and outside the premises, and training procedures and a refusals register would be implemented. On the advice of the Police the Club had joined the Pubwatch Scheme.

The premises had held a Club Premises Certificate for 30 years without problem and had submitted the application for a Premises Licence following a malicious attempt by an individual to ruin an event, which had highlighted weaknesses in their operations. The Club had no intention of changing how it operated presently, holding functions such as weddings and birthdays. One objector had stated that the Club would become a social club but Mrs Wright assured Members that it would not. The application was to ensure that the Club fully complied with licensing requirements.

Addressing the licensing objectives on which the objections were based, crime and disorder and the prevention of public nuisance, Mrs Wright advised that in addition to the CCTV system the premises were fitted with alarms, external lights and shutters. The Club would introduce a policy in relation to serving customers who

were intoxicated and Challenge 25. Notices were placed on the premises requesting customers to leave quietly; the Committee was already stoic about this and the sounding of car horns. Ongoing training was given to staff and a full-time employee worked behind the bar at all times. The refusals register would be maintained and available for inspection as required.

Paula Swindale (Club Development Officer), echoed the comments of Mrs Wright. The Club had been gifted to the community in the mid-1950s for the purposes of playing cricket and the social events contributed substantially to running costs. The Management Committee respected the concerns of neighbouring residents but wanted to re-assure them that the Club was not changing the way it operated.

Following a question from Councillor Brown about the proximity of the premises to residents following the proposed works, Members were provided with a floor plan and were shown the location of the new entrance at the south gable end which would be approximately 10ft closer to the bungalows. The existing entrance was no longer suitable in terms of access and would be replaced with bi-folding doors to allow children and disabled people to view matches from inside the premises. The doors would be of an improved quality with better sound-proofing. Outdoor events would be held in a mini marquee accessed through the bi-folding doors onto the patio area. One objector had stated that many events had been held outside in the last year, but there had been four, with only one including live music.

Following a request for clarification from the Solicitor, Mrs Swindale confirmed that there would be no change to the existing licensed areas following the works. This was clarified by reference to the floor plan.

In response to a question from Councillor Wilson about the Personal Licence Holder, the Senior Licensing Officer advised that Mr Lower had been named as Designated Premises Supervisor but that he was not a Personal Licence Holder. If granted, in order to operate under the Premises Licence, the Club would need to identify a Designated Premises Supervisor who was a Personal Licence Holder and apply to the Authority to vary the Premises Licence once a DPS had been identified. In the interim period, no sales of alcohol could take place under the Premises Licence and the Club must operate under the Club Premises Certificate.

Councillor Brown referred to the current sign-in procedure for non-members and was informed that the Club had tightened its procedures in this regard.

Following a question from Councillor Hampson, the Sub-Committee was informed that plastic glasses were not used on the patio area but that regular glass collection was insisted upon.

At 10.50am the Sub-Committee **Resolved** that the press and public be excluded from the meeting to allow Members to deliberate the application in private.

After re-convening at 11.15am the Chair delivered the Sub-Committee's decision. In reaching their decision Members had taken into account the report of the Senior Licensing Officer, the written representations of the 'other persons' and the verbal representations of the Cricket Club representatives. The Sub-Committee had 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:-

Supply of Alcohol (for consumption on & off the premises):

Monday to Thursday: 11:00 to 23:30 hrs

Friday and Saturday: 11:00 to 00:30 hrs

Sunday: 12:00 to 23:00 hrs

Bank Holidays, Christmas Eve and New Year's Eve: Extension of one additional hour

Opening Hours:

Monday to Thursday: 11:00 to 00:00 hrs

Friday and Saturday: 11:00 to 01:00 hrs

Sunday: 12:00 to 23:30 hrs

Bank Holidays, Christmas Eve and New Years Eve: Extension until 01:30 hrs

Plays, Films & Indoor Sporting Events (Indoors only):

Monday to Thursday: 11:00 to 23:30 hrs

Friday and Saturday: 11:00 to 00:30 hrs

Sunday: 12:00 to 23:00 hrs

Live Music (Indoors):

Monday to Saturday: 11:00 to 23:00 hrs

Sunday: 12:00 to 23:00 hrs

New Years Eve: Extension of hours until 01:00 hrs

Live Music (Outdoors):

Monday to Sunday: 11:00 to 23:00 hrs – Limited to two outdoor events per year

Recorded Music (Indoors):

Monday to Thursday: 11:00 to 23:30 hrs

Friday and Saturday: 11:00 to 00:30 hrs

Sunday: 12:00 to 23:00 hrs

New Years Eve: Extension of hours until 01:00 hrs

Recorded Music (Outdoors):

Monday to Sunday: 11:00 to 23:00 hrs – Limited to two outdoor events per year

Performance of Dance (Indoors):

Monday to Thursday: 11:00 to 23:30 hrs

Friday and Saturday: 11:00 to 00:30 hrs

Sunday: 12:00 to 23:00 hrs

Performance of Dance (Outdoors):

Monday to Sunday: 11:00 to 23:00 hrs – Limited to two outdoor events per year

Anything Similar to Live Music, Recorded Music or Performance of Dance (Indoors):

Monday to Thursday: 11:00 to 23:30 hrs

Friday and Saturday: 11:00 to 00:30 hrs

Sunday: 12:00 to 23:00 hrs

Anything Similar to Live Music, Recorded Music or Performance of Dance (Outdoors):

Monday to Sunday: 11:00 to 23:00 hrs – Limited to two outdoor events per year

Late Night Refreshment (Hot drinks and/or Hot food after 23:00 hrs) (Indoors & Outdoors):

Monday to Thursday: 23:00 to 23:30 hrs

Friday and Saturday: 23:00 to 00:30 hrs

Sunday: 23:00 to 23:30 hrs

The Sub-Committee considered the proportionality of the conditions proposed by the Police, Environmental Health and the Local Safeguarding Children Board and were satisfied that having heard representations from the Applicant, together with the written representations it was appropriate to impose those conditions into the licence in order to promote one or more of the four licensing objectives.

The Additional conditions as agreed between the parties be as follows:-

A) **General**

1. Staff will be fully trained on all of the Club's policies and procedures. All training records will be made available to officers when requested.

B) **The prevention of crime and disorder**

1. No serving of alcohol to any person who appears to be drunk.
2. 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 six months.
3. 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.
4. 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 premise, where the sale/supply of alcohol occurs.

5. The majority of staff will be trained to operate the CCTV system; this is to include viewing and downloading of the system. Regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by police or other relevant officers of a responsible authority.
6. All footage will be kept on the system for at least 28 days and will be made available to officers and responsible authorities when requested to do so.

C) **Public safety**

1. Fire exits and equipment will be clearly marked.
2. All staff will be made aware of requirements regarding health and safety.
3. First aid facilities will be available.
4. An incident log will be kept at all times.

D) **The prevention of public nuisance**

1. Groups of people will be discouraged from congregating outside the premises.
2. Signage will be displayed encouraging customers to leave quietly.
3. A rubbish bin will be placed outside of the front of the premises and customers will be encouraged to use it. At the end of business staff will ensure that litter is collected from the front of the premises and the immediate vicinity.

E) **The protection of children from harm**

1. A challenge 25 policy will be operated at the premises, acceptable forms of identification are a passport, photo card driving and PASS accredited identification card i.e. ID4U.
2. 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 other relevant officer of a responsible authority upon request. This is also to include over 18's purchasing alcohol and passing it on to under 18's (proxy sale).

Additional conditions added by applicant following mediation with Local Safeguarding Children Board

- 1 Verification of age – safeguards to be in place to see that alcohol is not served to or purchased on behalf of under age children. A ‘Challenge 25’ age verification policy is operated which requires anyone looking under the age of 25 to produce photographic evidence of proof of age from a passport, driving licence or PASS accredited scheme before any alcohol is supplied. The actions of staff operating the policy to be regularly monitored.
- 2 Minimise the risk of proxy sales – the applicant will work with the police to minimise the risk of proxy provision/proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).
- 3 Maintain a refusals register/incident log – where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register/log to be updated. The register to be made available to the police on request.
- 4 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.

Additional condition added by applicant following mediation with Environmental Health

During periods of regulated entertainment, a noise management plan shall be implemented for both indoor and outdoor events. The noise management plan shall document and should demonstrate best practicable means are being utilised to minimise noise impact on the surrounding area.

The Sub-Committee also considered the conditions suggested by the Applicant within the Operating Schedule of the application and believed it was necessary and proportionate to impose these condition on the licence as follows:

a) General

1. CCTV is to be installed both externally and internally to club premises.
2. Individuals who have been drinking alcohol will not be allowed to play cricket.
3. General staff training to be given and regularly reviewed with particular attention to identifying under 18 year olds and not serving them with alcohol.

b) The prevention of crime and disorder

1. An alarm is installed to protect the premises when closed.

2. Rear door and window has electric shutters installed and closed when premises are closed.
3. External lights operate on timer to illuminate during hours of darkness.

c) **Public safety**

1. The club will complete a Fire Risk Assessment and carry out regular reviews.
2. The club will take every opportunity to manage customers leaving the club who are likely to make noise.
3. All parts of the building will be maintained and tested as appropriate and kept in good order and in safe condition.
4. The club will provide adequate access at all times for emergency vehicles.

d) **The prevention of public nuisance**

1. Deliveries necessary for the operation of the club will be carried out at such a time and in such a manner as to prevent nuisance or disturbance to nearby residents.
2. Notices to be displayed prominently and clearly at the exit points requesting the public to leave quietly and respect the nearby residents.
3. Noise reduction measures to be addressed during renovation works to reduce nuisance to public.

e) **The protection of children from harm**

1. Appointment of child welfare officers, trained to meet the “safe hands” standards issued by the English Cricket Board.
2. “Challenge 25” sign to be visible – encouraging anyone over 18 years but looking under 25 years to carry acceptable ID if they wish to buy alcohol.
3. Training to be given to staff regarding the requirement for persons ID, age establishment.
4. Copy of Cricket Club’s Safeguarding Policy Statement enclosed.