

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Tuesday 19 December 2017 at 10.00 am**

Present:

Councillor P Crathorne (Chair)

Members of the Committee:

Councillors P Atkinson and J Blakey

Also Present:

Councillor D Brown

Councillor G Darkes (for item 4)

K Robson – Senior Licensing Officer

K Coulson-Patel – Solicitor, DCC

D Swinburn – Applicant's Solicitor, Spennymoor Town Football Club

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

Councillor Darkes declared an interest in the application for the grant of a premises licence in respect of Spennymoor Town Football Club and took no part in the consideration of the application. The Councillor was a member of Spennymoor Town Council who were the owners of the premises.

4 Application for the Review of a Premises Licence - Vine Stores, 42 Middle Street, Blackhall

The Senior Licensing Officer informed Members that the applicant's Solicitor had requested an adjournment as his client was unable to attend the hearing due to ill health. Medical evidence had been received confirming this which was circulated to Members for information.

Resolved:

That the hearing be adjourned.

5 Application for the Grant of a Premises Licence - Spennymoor Town Football Club, Brewery Field, Durham Road, Spennymoor

The Committee considered a report of the Senior Licensing Officer regarding an application for the grant of a Premises Licence in respect of Spennymoor Town Football Club, Brewery Field, Durham Road, Spennymoor (for copy see file of Minutes).

A copy of the application and supporting documents had been circulated to Members. The Senior Licensing Officer advised that Environmental Health had withdrawn their objection following mediation with the applicant's Solicitor. Details of the proposed amendments to the application together with the proposed Noise Management Plan had been circulated to all parties. Members were also informed that other persons Mr and Mrs Suffield had withdrawn their objections following a meeting with the applicant. The one remaining objection was other person Mr Purvis who was not in attendance and who had not engaged with the Licensing Authority since the submission of his representations.

Debra Swinburn, the applicant's Solicitor was invited to address the Sub-Committee. Members were informed that the original application had been amended to take into account concerns. Referring to the representations by Mr Purvis about the impact of noise, traffic, parking and drunken behaviour in a built up area with elderly accommodation and young families, the Solicitor believed that these concerns had been taken on board and addressed in the amended application, which demonstrated an ongoing willingness to engage with residents. The Football Club was a community facility for all residents. The Solicitor offered to advise Members how each of the concerns had been addressed in the amended application which she considered promoted the licensing objectives and was in line with Council policy.

In response to a question from Councillor Blakey regarding the age of the residential properties surrounding the Club, Members were informed that some properties had been erected in the last 2 or 3 years but others such as Tees Crescent had been there for many years. The Football Club had been in the location since 1901. An acoustic fence had been erected to mitigate against noise with ongoing improvements to the ground to facilitate the Club's activities and to provide a community facility.

Following a further question from Councillor Blakey about the nature of events to be held by the Club, Members were informed that functions would include, for example, family fun days and a music festival. There were no specific functions planned but the Noise Management Plan required the Club to engage with local residents when organising events.

Councillor Brown asked if there had been any complaints received from residents in the past. The applicant's Solicitor advised that she was not aware that any had been made to the Club, and Members were informed by the Senior Licensing Officer that none had been received by Environmental Health in connection with noise. However, in view of the proposal for outdoor events a Noise Management Plan had been required as part of the mediation with Environmental Health.

The applicant's Solicitor was invited to sum up but had nothing further to add.

At 10.20am the Sub-Committee **Resolved** to retire to deliberate the application in private. After re-convening the hearing at 10.30am the Chair delivered the Sub-Committee's decision.

In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer and additional information, the written representations of 'other person' Mr Purvis and the verbal and written representations of the applicant's Solicitor. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the Premises Licence be granted as follows:

Activities	Days & Hours Requested
Sale by retail of Alcohol (on and off sales)	Monday to Saturday including bank holidays 10:00 until 23:30 hrs, Sunday 10:00 until 23:00 hrs. No alcohol will be permitted outside after 23:00 hrs Monday to Saturday including bank holidays and Sunday after 22:30 hrs.
Regulated Entertainment including Live Music (Indoors)	Monday to Sunday including Bank Holidays 10:00 until 23:00 hrs.
Regulated Entertainment including Recorded Music Performance of Dance, anything of a similar description (Indoors)	Monday to Sunday including Bank Holidays 10:00 until 00:00 hrs
Regulated Entertainment including Live Music & Recorded Music Performance of Dance, anything of a similar description (Outdoors)	Monday to Saturday including Bank Holidays 10:00 until 23:00 hrs, Sunday 10:00 until 22:30 hrs. Be limited to four times per year.
Indoor Sporting Events	Monday to Saturday 10:00 until 00:00 hrs, Sunday until 23:30 hrs.
Late Night Refreshment (Indoors)	Monday to Saturday 23:00 until 00:00 hrs and Sunday until 23:30 hrs.
Opening Hours	Monday to Sunday 10:00 hrs until 00:00 hrs

The following additional conditions be included following mediation with Durham Constabulary:-

The prevention of crime and disorder

- i. Initial staff training to be carried out by DPS or approved member of staff to ensure no alcohol is sold to anyone underage and refresher training to be carried out every 6 months.
- ii. 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.
- iii. CCTV will be fully installed and working within 6 months of the licence being granted. It will be provided in the form of a recordable system, capable of providing pictures of evidential quality.
- iv. Cameras shall encompass the inside and outside of all entrances and exits to the clubhouse/permanent buildings and all areas where the sale/supply of alcohol occurs.
- v. Equipment must be maintained in good working order, be correctly time and date stamped and kept for a period of 28 days.
- vi. The Premise Licence Holder must ensure at all times the DPS or appointed member of staff is capable and competent at viewing the CCTV and downloading the footage onto a disc, hard drive or memory stick when requested to do so by the police/local authority.
- vii. The recording equipment and discs/memory sticks shall be kept in a secure environment under the control of the DPS or other responsible named individual.
- viii. An operational monthly log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant; in the event of any failings actions taken are to be recorded.
- ix. If door supervisors are used an operational daily log must be kept documenting door supervisor information. This is to include full name, date of birth, full badge number, contact phone number, security companies' name and start and finish times.
- x. No glass bottles/containers to be taken outside, all will be decanted into plastic glasses.

Public safety

- i. Fire exits and fire equipment clearly marked.
- ii. All staff must be aware of requirements regarding health and safety.
- iii. First aid facilities will be available.

- iv. An incident log will be kept at all times.

The protection of children from harm

- i. A proof of age policy in place for people under 25 years of age via the Challenge 25 scheme.
- ii. The only forms of identification which will be accepted are a passport, a photo driving licence and 'PASS' hologram ID.
- iii. A refusal register will be kept and endorsed after every sale refused, this is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales).

The following additional conditions be added following mediation with the Local Safeguarding Children's Board:-

General

- i. 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.

The following additional conditions be added following mediation with Environmental Health:-

- i. The Provision of Live Music, Recorded Music, Performance of Dance, Anything of a Similar Description be limited to 4 outside events per year.
- ii. During periods of regulated entertainment a noise management plan shall be implemented for outdoor music events including those taking place in a tent. The noise management plan shall document and demonstrate how compliance with the Noise Council 1995 'Code of Practice on Environmental Noise Control at Concerts' will be achieved to minimise noise impact on residents of the surrounding area. The Noise Management Plan shall be submitted to the licensing authority for approval no later than 14 days prior to the first event each year.
- iii. Where a music event is due to take place the licensee shall appoint a suitably qualified and experienced noise control consultant to the approval of the Licensing/Noise Regulatory Authority no later than six weeks prior to the event. The noise control consultant shall liaise between all parties including the Licensee, promotor, sound system supplier, sound engineer and the Licensing/Noise Regulatory Authority etc. on all matters relating to noise control prior to and during the event.
- iv. A noise propagation test shall be undertaken at least two hours prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar

manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced during the event.

The following conditions be included in the Operating Schedule:-

General

- i. Fully trained staff who will promote measures to support all licensing objectives.
- ii. Policies and procedures in place to ensure safety of all patrons and interested parties.
- iii. Maintain property, inside and out, including relevant signage and litter bins to promote all licensing objectives.
- iv. Applicants' willingness to co-operate with all interested parties to promote licensing objectives.

The Prevention of Crime and Disorder

- i. Evidence of age identification procedures in operation – support of challenge 25 policy.
- ii. Fully trained bar staff employed to ensure safety and discourage anti-social behaviour.
- iii. All staff will be trained in responsible service.
- iv. Risk assessments and training procedures to prevent use or supply of illegal drugs.
- v. Applicant willing to participate in pubwatch scheme.
- vi. Promote strong links with community.

Public Safety

- i. Fully trained bar staff will be employed.
- ii. Control on number of patrons.
- iii. Risk assessments and training procedures will be operated to monitor physical state of building and outside areas.
- iv. Staff trained in first aid.

- v. Electrical and fire safety monitored with electrical checks and fire equipment in place.

The Prevention of public nuisance

- i. Provisions of litter bins and ashtrays outside.
- ii. Adequate car parking, bus stops and taxis available in the area.
- iii. Adequate level of lighting outside.
- iv. Applicant willing to participate in pubwatch scheme.
- v. Provisions for signs to remind customers to leave quietly.

The Protection of Children from Harm

- i. Fully trained staff with knowledge of licensing objectives and provisions.
- ii. Bar staff trained in responsible service and evidence of age identification procedures in operation – support of challenge 25 policy.