

LICENSING AND APPEALS SUB-COMMITTEE

21 November 2023 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor M Gee (Chair) and Councillor A Haynes (Labour Group) and Councillor A Kirke (Conservative Group)

District Council Representatives

Elisabeth Page - Legal and Democratic Services Manager
Eleanor Harrison - Senior Legal Officer (Non-Contentious)
Emma McHugh – Senior Licensing Officer
Patricia Hill – Democratic Services Officer

In Attendance

LAS/23 APOLOGIES

The Sub-Committee was informed that no apologies have been received.

LAS/24 DECLARATION OF INTEREST

The Sub-Committee was informed that no declarations of interest had been received.

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/25 HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE – SIR NIGEL GRESLEY, SWADLINCOTE

1. The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.
2. The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.
3. This was a hearing to determine the application for two Temporary Event Notices under the Licensing Act 2003 for the Sir Nigel Gresley. The application was for Christmas trading extended hours in 2023.

4. Documentation being relied upon by the Council's Licensing Representative had been exchanged at least 5 days before the hearing. Copies had been provided to the Applicant and all Members of the Sub-Committee.
5. The Applicant did not attend the hearing in person.
6. The Chairman invited the Council's Licensing Representative to present the facts of the matter. Emma McHugh outlined the application.
7. The Sub-Committee had opportunity to ask questions of the Council's Licensing Representative.
8. The Sub-Committee retired from the Council Chamber to deliberate.
9. In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.
10. The Sub-Committee also had regard to the four 'Licensing Objectives' namely:
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
11. The Sub-Committee considered in detail the representations of the Council's Licensing Representative, Derbyshire Constabulary and the Applicant.

DECISION

The Sub-Committee granted the application for Temporary Event Notices as follows:

Sale by retail of alcohol for consumption on and off the premises on the following dates and times:

- 21st and 22nd December 2023
 - Midnight to 1am each day
- 28th and 29th December 2023
 - Midnight to 1am each day

The grant of the application for Temporary Event Notices is subject to the following conditions, in addition to the mandatory conditions contained within the Licensing Act 2003, and the conditions contained within the TENs applications and the current premises licence:

1. Children under the age of 16 and young persons aged 16 and 17 will be allowed on the premises up to 2100 or 2130 if consuming a meal. All children under the age of 16 must be accompanied by an adult aged 18 or above.
2. The premises licence holder will provide training to staff on commencement of employment on the law relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods. Refresher training should be provided at regular intervals (a minimum of 6months). Records detailing the training provided will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 1 year.
3. The premises licence holder will apply a Challenge 25 age verification policy at the premises. This policy will require anyone attempting to purchase alcohol (or other min.18 restricted product) that appears under the age of 25 years will to be asked to prove their age. Acceptable forms of identification will be a PASS-accredited proof of age card, photo driving licence, approved military ID or passport. Failure to produce satisfactory proof of age will result in a refused sale. Clear, prominent and unobstructed signage informing customers of the age verification policy in operation and the age restrictions on products, will be clearly displayed.
4. A system of recording sales refused under the age verification policy will be operated at all times. The refusal record will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 1 year.
5. Managers to deal with any complaints from local residents quickly and effectively.
6. Member of Pub watch scheme if available
7. Signage will be placed on either side of the entrance/exit doors to the premises requesting that patrons shall not take drinks off the premises. Such signs shall be placed in a prominent position and easily read.
8. A CCTV system shall be installed and the recording system must be maintained in good working order and any faults repaired as possible. (it is recommended that all maintenance paperwork be kept to show that the retailer has shown all due diligence in maintaining the system).
9. The CCTV recording system must be operating at all times when the

premises are open for licensable activities.

10. All CCTV recordings must be retained for a minimum of 21 days unless negotiated otherwise. These images must be available for viewing at any reasonable time upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.
11. The Designated Premises Supervisor and designated members of staff must be able to retrieve and copy any recordings/images at the time of asking or within 48 hours if so required. (The Police will not meet the cost for a recording or materials used for reproduction of the image in respect of any crime and disorder: all costs are to be met by the owner of the system. If the incident was unrelated to the premises, the retrieval, if a cost incurred, would be met between the agencies requiring the image).
12. The CCTV recording unit is to be kept secure, to be opened only by the premises licence holder or authorised, designated member of staff.
13. Installed CCTV cameras are to be positioned to cover the areas to which the public have access with regards to the premises.
14. All recordings to be of evidential quality.
15. The OPS will ensure that clear, prominent and legible notices must be displayed internally at all exits, requesting customers and other users to leave the premise and the area local to the premises quietly and in an orderly manner respecting the needs of local residents.
16. There shall be no consumption of alcohol outside of the premises except in the terraced area to the front of the premises as permitted by any street cafe licence authorised by Derbyshire County Council and issued to the premises licence holder. Consumption of alcohol will be permitted between the hours of 09.00hrs - 20.00hrs only.
17. All beverages to be consumed in the outside street cafe area of the premises will be served in polycarbonate drinking vessels only with the exception of hot beverages. Glass bottles and other receptacles are not to be used outside of the premises.
18. Prominent signage will be placed inside the premises on either side of the entrance/exit doors to the premises stating that customers may only take open drinks from the premises if they are to be consumed in the designated street cafe licence area and if they are, with the exception of hot beverages, in polycarbonate drinking vessels.
19. No adult entertainment or services, activities etc. will be undertaken at the premises.

REASON FOR THE DECISION

Having taken into account the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and Derbyshire Constabulary.

The Sub-Committee felt that it was reasonable and proportionate to grant the Temporary Event Notices, subject to the conditions specified, which are imposed to specifically address the concerns raised.

All parties may appeal to the Magistrates' Court against this Decision. Guidance on this process is attached to the Decision Notice.

LAS/26 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

The Meeting terminated at 10:10 hours.

COUNCILLOR M GEE

CHAIR