

## **LICENSING SUB COMMITTEE**

**Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,**

**on Thursday, 5th July, 2018 at 10.00 am**

**Present:** Councillor Rachel Madden in the Chair;  
Councillors Cathy Mason and Mike Smith.

**Apology for Absence:** Councillor Sam Wilson.

**Officers Present:** Julian Alison, Paulette Brown, Julie Robinson  
and Kieran Stockley.

### **LSC.1 Appointment of Chairman**

RESOLVED

that Councillor Rachel Madden be appointed Chairman for the duration of the meeting.

### **LSC.2 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests**

There were no declarations of interest.

### **LSC.3 Hearing for Application for a new Premises Licence – The Dog House, Hucknall**

The Chairman introduced herself and asked the Committee Members, Officers and those parties present to introduce themselves.

In attendance were Mr. D. Fewster (Applicant) and Interested Party Mrs. A. Stevenson.

The Chairman explained the procedure to be adopted throughout the duration of the hearing.

The Licensing Team Leader then proceeded to outline the application for a Premises Licence.

The Chairman then invited the Applicant, Mr. Fewster to put forward his case to the Sub Committee. Following this and in accordance with adopted procedure, the Interested Party, the Sub Committee Members and the Legal Officer were offered the opportunity to ask questions of the Applicant for the purposes of lucidity and further explanation.

At this point in the proceedings all those present at the meeting were asked to note that the table entry regarding live music standard days and timings, as outlined on page 19 of the agenda, should read Friday Finish 23:30 and not 23:030 as printed.

The Interested Party, Mrs. A. Stevenson was then invited to put forward to the Sub Committee the nature of her representations and concerns regarding the application for a new Premises Licence. Following this and in accordance with adopted procedure the Applicant, the Sub Committee Members and the Legal Officer were offered the opportunity to ask questions of the Interested Party for the purposes of lucidity and further explanation.

Finally, the Chairman invited the Applicant and Interested Party to sum up their respective cases.

The Chairman and Members of the Sub Committee then withdrew from the hearing in order to deliberate upon the application and representations made in respect of it.

The hearing was adjourned at 10.40 a.m.

The Chairman and the Sub Committee Members subsequently returned to the room and the hearing was reconvened at 11.00 a.m.

The Legal Officer delivered the Sub Committee's findings, the decision and the reasons as follows:-

The Sub Committee had taken into account the evidence put before it at the hearing and also taken into account the contents of the application and written representations.

### **Findings of the Sub Committee**

1. No representations were received from any Relevant Authority;
2. No representations were received from Nottinghamshire Police specifically in connection with anti-social behaviour or crime & disorder in the area the premises will be located;
3. No evidence was presented of anti-social behaviour or crime & disorder connected to this Premises and there was sufficient evidence to demonstrate the licensing objectives would be upheld.
4. The Interested Parties representations raised concerns about problems that may have been connected to other premises in the locality and there was no evidence attributable to these premises.
5. The representations and concerns raised by Interested Parties were acknowledged by the Sub-Committee and the proposals from the Applicant should alleviate the residents' concerns.

## RESOLVED

that the decision of the Licensing Sub-Committee (in exercise of its powers delegated by Ashfield District Council as Licensing Authority) was to grant the application for a premises licence subject to the following conditions:

- A. The mandatory conditions, the conditions offered by the Applicant, the conditions consistent with the Operating Schedule and the embedded restrictions on the use of the premises; and
- B Any conditions as attached by the Licensing Sub-Committee as a result of this hearing:

### Agreed Conditions

#### CCTV

1. A CCTV system shall be installed and operative in the premises when licensable activities are taking place. All recordings used in conjunction with CCTV shall:
  - be of evidential quality
  - indicate the time and date
  - be retained for a period of 31 days
2. CCTV recordings are to be made available for inspection to the Police or any other authorised person upon request.

#### Training

3. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of training prior to them being authorised to sell or supply alcohol. Such training shall consist of providing staff with an understanding of:
  - The need to ensure the responsible sale and supply of alcohol
  - The need to refuse the sale and supply of alcohol to persons who are intoxicated or underage
  - The need to seek credible age verification from persons seeking to be sold or supplied alcohol who may appear under the age of 18 years old
4. The content of the training programme shall be agreed with the Force Licensing Officer of Nottinghamshire Police and the Licensing Authority prior to implementation.
5. Records of the training programme shall be maintained and made available to Authorised Officers upon request.
6. The Premises Licence holder shall provide “refresher” training to all relevant staff members as and when deemed necessary on a case by case evaluation, but as a minimum requirement the refresher training session shall be provided to all staff on at least one occasion every six months.

7. All members of staff shall be fully trained in the retail sale of alcohol. The training shall be ongoing and each member of staff shall be reviewed every six months.
8. All details of the level of training shall be recorded in a bound and sequentially paginated book or electronic record. This information shall be made available for inspection and copying by the Police or any other authorised person on request and all such books shall be retained at the premises for at least 12 months

### Daily Log

9. A Premises Daily Register shall be held at the premises. This Register shall be maintained for a rolling minimum period of 12 months, and shall record:
  - The name of the person responsible for the premises on each given day.
  - The name of the person authorising the sale of alcohol each day. All calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti-social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and call.
  - Any refusals on grounds of age and/or intoxication (to include date, time, member of staff involved, reason for refusal as well as a brief physical description of the person refused).
  - Any calls to or visits by Nottinghamshire Police or the Licensing Authority in relation to any crime and disorder / public nuisance or like related matter.
10. The Designated Premises Supervisor shall check the Premises Daily Register on a weekly basis ensuring that it is completed and up-to-date, sign the Premises Daily Register each time that it is checked, and make the Premises Daily Register available for inspection by any Authorised Officer throughout the trading hours of the premises.

### Policies / Procedures

11. The premises shall implement written policies and procedural statements and/or management action plans. Such documents shall include, but not be limited to, the following:
  - CCTV
  - Safeguarding Children & Vulnerable Adults
  - Responsible Service of Alcohol
  - Underage Sales and False Identity
  - Acceptable Form of Identification
  - Challenge “25”
  - Zero Tolerance of Drugs
12. The above policies and procedural statements shall be “live” documents, subject to amendment following consultation with the Licensing Authority, Environmental Health Department, and Nottinghamshire Police.

13. The Premises Licence holder shall ensure that all staff employed at the premises are aware and understanding of the policies / procedures referred to at Condition 4 and the content of such policies and procedures and that they carry out their duties in accordance with them. Any necessary and justifiable deviation from those agreed shall be fully documented within the Premises Daily Register.

#### Open Vessels

14. No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage, other than to any external area owned or legally occupied by the Premises Licence Holder.

#### Pub Watch

15. The Premises Licence holder shall participate in the designated local Pubwatch / Licensed Premises Partnership scheme (should one be in operation) and ensure that a representative of the licensed premises attend all of the arranged meetings or such a person has made all reasonable endeavours to attend the arranged meetings.

#### Challenge 25

16. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.

#### **Reasons:**

1. The Applicant was committed to being a responsible Licensee and, should the licence be granted, the good management practices utilised in the Applicant's other Licensed Premise would be replicated at this Premise.
2. The conditions offered by the Applicant were appropriate for to the promotion of the Licensing Objectives.
3. The Applicant's suggestion of having contact details available for local residents to raise concerns was welcomed by the Sub Committee.
4. The Applicant was willing to work with the community, responsible authorities etc. to address any concerns relating to the promotion of the Licensing Objectives.
5. Licensing Law is not the primary mechanism for the general control of Anti Social Behaviour but rather a part of a holistic approach to the management of the District.
6. There are other mechanisms available and in place for controlling problems of crime and disorder and public nuisance in the area.

7. If a Responsible Authority and/or Interested Party feel that the licence cannot be or is not being adhered to then a review application can be made to the Licensing Authority for the licence to be reviewed.

### **Appeal**

The decision would be notified to the parties in compliance with the legislation and regulations. The parties have a right to appeal against the decision to the Magistrates' Court within 21 days of the receipt of the notification of the decision.

The meeting closed at 11.05 am

Chairman.