

LICENSING AND APPEALS SUB-COMMITTEE

13 February 2023 at 11.00 hours

**PRESENT:-**

**Members of the Licensing and Appeals Sub-Committee**

Councillor M Gee (Chair), Councillor S Taylor (Labour Group) and Councillor Watson (Conservative Group).

**District Council Representatives**

Samantha Craig - Senior Legal Officer

Mark Lomas - Licensing Officer

Donna Foster – Senior Democratic Services Officer

**Other Persons**

Gareth Cotton – Regional Manager of Stonegate Group.

Police Constable Steve Phillips

LAS/27 **APOLOGIES**

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

LAS/28 **DECLARATION OF INTEREST**

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

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/29 **HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE BY DERBYSHIRE POLICE IN RESPONSE TO A TEMPORARY EVENT NOTICE – FORESTER’S ARMS, 67 HIGH STREET, SWADLINCOTE, DERBYSHIRE**

At 10.00am the hearing was opened and the Chair apologised and informed all persons present that the committee was not quorate. For this reason, the licensing Sub-Committee would be adjourned to 11am.

At 11.00am the Chair confirmed that Councillor Richards had declared a personal interest and therefore, Councillor Taylor would sit instead. Gareth Cotton of Stonegate Group, on behalf of the Premises User was asked whether he had any objections to this, and he stated, as did Derbyshire Constabulary, that there were no objections and that they were happy to proceed on this basis.

The Chair 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.

The Chair then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

This was a hearing to consider an objection notice in relation to a Temporary Event Notice under the Licensing Act 2003 for the Forester's Arms. The notice related to a time specified event between the hours of 00.00 hours and 01:00 hours on 18th March 2023 and 19th March 2023.

The Premises User did not attend the hearing in person but Gareth Cotton of Stonegate Group attended on his behalf.

The Chair invited the Council's Licensing Representative to present the facts in relation to this matter. The Licensing Officer outlined the facts in relation to the temporary event notice and subsequent objection notice by Derbyshire Police .

The Sub-Committee, Premises User and Derbyshire Constabulary had the opportunity to ask questions of the Council's Licensing Representative.

At the invitation of the Chair, Police Constable Steve Phillips of Derbyshire Constabulary made representations to the Sub-Committee.

The Sub-Committee had the opportunity to ask questions of the Premises User and invited the Licensing Representative to put questions to him as well.

The Chair invited the Licensing Representative, Derbyshire Constabulary and the Premises User to sum up their representations.

The Sub-Committee retired from the Council Chamber to deliberate.

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.

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

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, Derbyshire Constabulary and the Premises User.

**RESOLVED:**

***The Sub-Committee decided to allow the licensable activities to take place as stated in the temporary event notice, subject to the imposition of the 8 conditions set out in annex 2 of the premises licence: conditions***

***consistent with the operating schedule and in addition to the mandatory conditions contained within the Licensing Act 2003.***

***The Temporary Event Notice permits the following licensable activities to take place:***

- ***Sale by retail of alcohol for consumption on and off the premises, regulated entertainment and late-night refreshment***
- ***18th and 19th March 2023***
- ***Between 00:00 to 01:00 on both dates***

***The Temporary Event Notice is subject to the following conditions in addition to the mandatory conditions contained within the Licensing Act 2003, and the conditions contained within the operating schedule of the original application form:***

1. ***Full training shall be provided to all staff on commencement of employment 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***
  - a. ***Refresher training shall be provided at regular intervals - at least every 6 months.***
  - b. ***Records detailing the training provided shall be kept on the premises for production upon request of a Police Officer or other authorised person.***
  - c. ***All records must be written and shall be retained on the premises for a minimum of 12 months.***
2. ***A challenge 25 Proof of age scheme shall be operated at all times***
  - a. ***Anyone attempting to purchase alcohol (or other age restricted product) that appears under the age of 25 years shall be asked to produce a proof of age.***
  - b. ***The only acceptable forms of identification shall be:***
    - ***PASS - accreditation proof of age card***
    - ***Photo Driving Licence***
    - ***Current passport***
  - c. ***Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation, shall be displayed within the premises***
  - d. ***A system of recording sales refused under the proof of age scheme shall be operated at all times***

- e. *The refusal book/log shall be kept on the premises for production upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.*
- f. *The records relating to the refusal book/log shall be retained on the premises for a minimum of 12 months*
3. *The DPS shall ensure that a written incident log is maintained within the premises and details of all incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person.*
4. *The DPS shall ensure that a written Refusals log is maintained within the premises and details of all challenges and refusals are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person.*
5. *The Premises Licence Holder or nominated person shall ensure that clear, prominent and legible notices are displayed internally at all exits, requesting customers and other users to leave the premises and the area local to the premises, quietly and in a orderly manner respecting the needs of local residents.*
6. *A CCTV system shall be always installed and the recording system must be maintained in good working order and any faults repaired as soon 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).*
  - a. *The CCTV recording system must be operating at all times when the premises are open for licensable activities*
  - b. *All CCTV recordings must be retained for a minimum of 28 days. 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.*
  - c. *The Premises Licence Holder, Designated Premises Supervisor or person in charge of the premises must be able to retrieve and copy any recording/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 a 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).*

- d. *The CCTV recording unit is to be kept secure, to be opened only by the Premises Licence Holder, Designated Premises Supervisor, or authorised, designated member of staff.*
- e. *Installed CCTV cameras are to be positioned so as to ensure that all parts of the premises to which the public has access are sufficiently covered (save for any toilet areas)*
- f. *All cameras installed will be of a standard that will offer optimum image quality in low light.*
- g. *All digital recordings to be made in real time (time lapse not to be used).*
7. *No customer shall be allowed to remove any alcoholic or other drinks from the licensed area of the premises in an open container (e.g. glasses and open bottles) unless to an external area set aside for consumption indicated on a plan.*
8. *Anyone under the age of 16 must be off the Premises by 20:00 hrs. Unless at a pre-arranged function.*

**REASON FOR THE DECISION**

*Having considered 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 the representations made by Derbyshire Constabulary.*

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

LAS/30 **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 11:30 hours.

COUNCILLOR M GEE

CHAIR