

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Thursday 16 February 2012 at 10.00 am**

Present:

Councillor J Shiell (Chair)

Members of the Committee:

Councillors B Arthur and K Holroyd

Other Members:

Councillor B Graham

Apologies:

There were no apologies for absence

Also Present:

K Monaghan (Senior Licensing Officer), P Nicholson (Committee Services Officer) and G Proud (Legal Officer)

Mr D Wilson (Agent Acting on behalf of the Applicant)

Matt Trewartha (Lambton Estate Manager)

Robert Alexander Duff (Estate's Event Manager)

Mr AP McManus (Interested Party)

Mr W McCallum (Interested Party)

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 Minutes of the Meetings held on 29 November 2011, 13 December 2011 and 19 December 2011

The Minutes of the Meetings held on 29 November, 2011, 13 December 2011 and 19 December 2011 were confirmed as a correct record and signed by the Chairman subject to the duplication of Councillors Alderson and Charlton being omitted from the minutes of the meeting held on 13 December 2011.

3 Application for the Grant of a Premises Licence - Biddick Hall, Lambton Park, Chester-le-Street

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for the grant of a premises licence in

respect of Biddick Hall, Lambton Park, Chester-le-Street (for copy see file of minutes).

Plans showing the location and the layout of the premises and a copy of the application had been circulated to Members together with copies of representations which had been received from Interested Parties.

The Senior Licensing Officer presented the report and advised the Sub-Committee that the Licensing authority were satisfied that the consultation was carried out correctly and that the application had been advertised in the Northern Echo and 32 notices were found to be displayed.

She also advised the Sub-Committee that a mediation meeting had taken place on 4 February 2012 which was held on the Lambton Estate. Following this meeting Interested Parties had been contacted giving them the following 3 options:-

- 1) Your objections/representations on (one, two, etc or all five applications) remain valid and if you wish to proceed to hearing on 16 February 2012;
- 2) Your concerns/issues raised on the applications have been addressed by the applicant's agents and you have negotiated additional conditions and withdrawn your objections/representations; or
- 3) Your objections/representations on (one, two, etc or all five applications) have been withdrawn.

A copy of the responses from Interested Parties was circulated to everyone present and time was given for this document to be read.

She also advised the Sub-Committee that Durham Constabulary had negotiated with the Applicant's agent an additional condition to be attached to the operating schedule, details of which had been circulated.

Judith Tagg had indicated that she was unable to attend the meeting but asked that the Senior Licensing Officer verbally advise the Sub-Committee on her behalf that she felt that the ingress and egress should not be from Bonemill Lane.

Mr McManus an Interested Party advised the Sub-Committee that if the applicant did not deviate from what was said at the Mediation meeting then he would have no objections and that his main concerns were access and noise.

Mr McCallum an Interested Party advised the Sub-Committee that his concerns were widespread due to the volume of people attending the events but since the mediation meeting some of these concerns had been explained and on the whole he would have no objections if the access was limited to a number of events and the sale of alcohol was controlled properly.

Mr Trewartha showed a large scale plan which was similar to the plan shown on Page 60 of the report to the Sub-Committee. He indicated which areas were of concern and that the Lambton Estate was also within the area of Sunderland City Council. He advised the Sub-Committee that the access at Bonemill Lane would

only be used as an entrance for Lambton Castle and that a one way system would be put in place.

Mr Wilson the Agent acting on behalf of the applicant advised the Sub-Committee that there were residential properties on the estate and two way traffic would not work on the estate. He went on to say that the rooms were not large and the licence was required for weddings or events of a similar nature and that they were waiting for a licence for civil ceremonies. The venue could never be used as a nightclub and that the Earl of Durham still used the property. He indicated that the objections were in relation to noise and traffic at the Bonemill Lane entrance which was 2 miles away from the premises so noise would not be an issue.

Mr McManus indicated that they could hear shooting and Mr McCallum indicated that as the venue would not be large numbers he did not expect a large volume of noise so would raise no objections.

The Chairman asked for clarification on P.35 of the report in relation to the sale of alcohol. Mr Wilson advised the Sub-Committee that the sale of alcohol would be a pre sale made remotely which may be paid for at the estate office but in reality the sale of alcohol would be a paid bar for guests attending the event.

At 11.00 am the Sub-Committee left to deliberate the application in private. After reconvening at 11.10 am the Chair delivered the Sub-Committee's decision.

In determining the application, Members had considered the report of the Licensing Officer, Section 182 Guidance and the Council's Licensing Policy, together with the verbal representations of the Applicant. They also took into account the verbal and written representations of Interested Parties.

RESOLVED

That the application for a premises licence be granted as follows subject to the following conditions:-

Opening hours of the Premises	Monday to Sunday 00:01 to 00:00
a) Plays (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
b) Films (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
e) Live Music (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
f) Recorded Music (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be

	00:00
g) Performance of dance (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
h) Anything of a similar description to that falling within (e), (f), (g) (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
i) Provision of facilities for making music (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
j) Provision of facilities for dancing (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
k) Provision of facilities for entertainment of a similar description to that falling within (i) or (j) (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
l) Late night refreshment (indoors and outdoors)	Monday to Sunday – 23:00 to 02:00 Outdoors – the terminal hour will be 00:00
m) Sale of Alcohol (on & off the premises)	Monday to Sunday – 09:00 to 02:00 The termination hour for the sale of alcohol outwith the building of the hall shall be 00:00 for every day

- i) If Licensable activities are to be provided outdoors for an event which more than 500 people shall be present at any one time, the Safety Advisory Group at Durham County Council shall be informed of the event prior to the event taking place.

4 Application for the Grant of a Premises Licence - The Raceground, Lambton Park, Chester-le-Street

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for the grant of a premises licence in respect of The Raceground, Lambton Park, Chester-le-Street (for copy see file of minutes).

A Plan showing the location of the premises and a copy of the application had been circulated to Members together with copies of representations which had been received from Interested Parties.

The Senior Licensing Officer presented the report and advised the Sub-Committee that a mediation meeting had been held on 4 February 2012 as detailed in the previous application and the circulated document was also relevant for this application.

She also advised the Sub-Committee that Durham Constabulary had negotiated with the Applicant's agent an additional condition to be attached to the operating schedule, details of which had been circulated.

Mr McManus and Mr McCallum confirmed that they had no objections to the application.

Mr Wilson advised the Sub-Committee that this application was for entertainment only and that the Racecourse was a large field with a woodland area in the centre. He went on to say that any event would not be of a musical nature due to the close proximity of the A1 motorway and the woodland area and that it had its own entrance so Bonemill Lane would not be affected.

At 11.15 am the Sub-Committee left to deliberate the application in private. After reconvening at 11.25 am the Chair delivered the Sub-Committee's decision.

In determining the application, Members had considered the report of the Licensing Officer, Section 182 Guidance and the Council's Licensing Policy, together with the verbal representations of the Applicant. They also took into account the verbal and written representations of Interested Parties and were satisfied that the venue was not suitable for rock concerts.

RESOLVED

That the application for a premises licence be granted as follows subject to the following conditions:-

Opening hours of the Premises	Monday to Sunday 00:01 to 00:00
a) Plays (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00
b) Films (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00
e) Live Music (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00
f) Recorded Music (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00
g) Performance of dance (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00
h) Anything of a similar description to that falling within (e), (f), (g) (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00
i) Provision of facilities for making music (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00
j) Provision of facilities for dancing	Monday to Sunday – 09:00 to 00:00

(indoors and outdoors)	
k) Provision of facilities for entertainment of a similar description to that falling within (i) or (j) (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00

- i) If Licensable activities are to be provided outdoors for an event which more than 500 people shall be present at any one time, the Safety Advisory Group at Durham County Council shall be informed of the event prior to the event taking place.

5 Application for the Grant of a Premises Licence - The Estate Office, Lambton Park, Chester-le-Street

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for the grant of a premises licence in respect of The Estate Office, Lambton Park, Chester-le-Street (for copy see file of minutes).

Plans showing the location and the layout of the premises and a copy of the application had been circulated to Members together with copies of representations which had been received from Interested Parties.

The Senior Licensing Officer presented the report and advised the Sub-Committee that a mediation meeting had been held on 4 February 2012 as detailed in the Biddick Hall application and the circulated document was also relevant for this application.

She also advised the Sub-Committee that Durham Constabulary had not negotiated a mediation agreement with the Applicant's agent for these premises and page 118 of the document should therefore be disregarded.

Mr McManus and Mr McCallum confirmed that they had no objections to the application but Mr McCallum indicated that he had asked Mr Wilson for clarification if alcohol could be sold to staff and residents and that these concerns had now been alleviated after talking to Mr Wilson.

Mr Wilson advised the Sub-Committee that the application was required for telephone and internet sales and that no alcohol would be kept within the Estates Office.

At 11.40 am the Sub-Committee left to deliberate the application in private. After reconvening at 11.50 am the Chair delivered the Sub-Committee's decision.

In determining the application, Members had considered the report of the Licensing Officer, Section 182 Guidance and the Council's Licensing Policy, together with the verbal representations of the Applicant. They also took into account the verbal and written representations of Interested Parties.

RESOLVED

That the application for a premises licence be granted as follows subject to the following conditions:-

Opening hours of the Premises	Monday to Sunday 00:01 to 00:00
Sale of Alcohol (off the premises)	Monday to Sunday – 00:01 to 00:00

6 Application for the Grant of a Premises Licence - Lambton Castle, Lambton Park, Chester-le-Street

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for the grant of a premises licence in respect of Lambton Castle, Lambton Park, Chester-le-Street (for copy see file of minutes).

Plans showing the location and the layout of the premises and a copy of the application had been circulated to Members together with copies of representations which had been received from Interested Parties.

The Senior Licensing Officer presented the report and advised the Sub-Committee that a mediation meeting had been held on 4 February 2012 as detailed in the Biddick Hall application and the circulated document was also relevant for this application.

She also advised the Sub-Committee that Durham Constabulary had negotiated with the Applicant's agent an additional condition to be attached to the operating schedule, details of which had been circulated.

Mr McManus raised concerns in relation to access from Bonemill Lane and late night music and asked for a concession that access be withdrawn from Bonemill Lane.

Mr McCallum also raised concerns in relation to access at Bonemill Lane and the level of noise. He asked that a limit be imposed on the number of people attending events in this area.

Mr Wilson indicated that the walls of the Castle would contain any noise and any activities outside would cease at midnight. The entrance and noise concerns had been discussed with authorities and no issues were raised. He also indicated that the drive was a mile in length which gave an opportunity for vehicles to line up on the driveway so no congestion would be created. He also indicated that if there was potential for congestion then staff and visitors could be advised in advance that vehicles do not cross the flow of traffic and use the roundabout so that they enter the estate by turning left from the road.

Mr McCallum and Mr McManus advised the Sub-Committee that using the roundabout was reasonable but asked that the first roundabout be not used as it

was not suitable for a u-turn. They referred to the noise from the Castle which rises due to it being a big and open space, they had no problems with noise during the day but were concerned with noise on an evening and the increased amount of traffic on an evening with people leaving an event. Mr McManus suggested that a ceiling level be imposed and any events above this level the applicant would have to apply for a special event to allow a judgement to be made.

The Chairman and Solicitor advised the Sub-Committee that they had to approve or refuse the application as they did not have the power to approve on a temporary basis but if the application was granted a review could be undertaken at anytime.

Mr Wilson indicated that the estate could have proceeded via a temporary events notice which would not allow residents to object but they felt it would be easier to obtain a licence. He advised the Sub-Committee that the Castle and outdoor area was surrounded by trees and was not in an open field and any problems of noise would be dealt with by seeking professional advice, so that they did not create a nuisance.

He also advised the Sub-Committee that a one way system would be put into place and they would use the most suitable roundabout. They did not intend to have weddings simultaneously at the Castle and Biddick Hall and their long term plan was to have weddings at the Castle but the Castle was going to be used by a film company for the next 12 months so no event would be held at the Castle for some time.

Mr McManus confirmed that his concerns remained in relation to the access at Bonemill Lane and music for late night events.

Mr McCallum indicated that as a local resident he had concerns but he believed the applicant would carry out what they have said but nothing was in writing to confirm this and he would like to see something in writing.

Mr Wilson indicated that the objector who lived nearest to the access at Bonemill Lane had withdrawn his objections after visiting the estate. He referred to Bonemill Lane not being a narrow country track and stated it was a proper highway. It was suggested that the wall and entrance be moved back but unfortunately it was listed so was unable to be moved.

At 12.30 pm the Sub-Committee left to deliberate the application in private. The Sub-Committee reconvened at 12.35 pm in order for Mr Wilson to advise them that further gates were going to be installed which would result in visitors having to use the one way system as they would not be able to get back down the drive.

At 12.40 pm the Sub-Committee left to deliberate. After reconvening at 12.55 pm the Chair delivered the Sub-Committee's decision.

In determining the application, Members had considered the report of the Licensing Officer, Section 182 Guidance and the Council's Licensing Policy, together with the verbal representations of the Applicant. They also took into account the verbal and written representations of Interested Parties.

The Sub-Committee felt that the Bonemill Lane entrance had been addressed with the use of the roundabout and the introduction of a one way system and any outdoor events would cease at 12.00 midnight.

RESOLVED

That the application for a premises licence be granted as follows subject to the following conditions:-

Opening hours of the Premises	Monday to Sunday 00:01 to 00:00
a) Plays (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
b) Films (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
e) Live Music (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
f) Recorded Music (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
g) Performance of dance (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
h) Anything of a similar description to that falling within (e), (f), (g) (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
i) Provision of facilities for making music (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
j) Provision of facilities for dancing (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00
k) Provision of facilities for entertainment of a similar description to that falling within (i) or (j) (indoors and outdoors)	Monday to Sunday – 09:00 to 02:00 Outdoors – the terminal hour will be 00:00

l) Late night refreshment (indoors and outdoors)	Monday to Sunday – 23:00 to 02:00 Outdoors – the terminal hour will be 00:00
m) Sale of Alcohol (on & off the premises)	Monday to Sunday – 09:00 to 02:00 The termination hour for the sale of alcohol outwith the building of the Castle shall be 00:00 for every day

- i) If Licensable activities are to be provided outdoors for an event which more than 500 people shall be present at any one time, the Safety Advisory Group at Durham County Council shall be informed of the event prior to the event taking place.

Mr McManus left the Meeting at 12.50 pm.

7 Application for the Grant of a Premises Licence - The Riverside and Walled Garden, Lambton Park, Chester-le-Street

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for the grant of a premises licence in respect of The Riverside and Walled Garden, Lambton Park, Chester-le-Street (for copy see file of minutes).

Plans showing the location and the layout of the premises and a copy of the application had been circulated to Members together with copies of representations which had been received from Interested Parties.

The Senior Licensing Officer presented the report and advised the Sub-Committee that a mediation meeting had been held on 4 February 2012 as detailed in the Biddick Hall application and the circulated document was also relevant for this application.

She also advised the Sub-Committee that Durham Constabulary had negotiated with the Applicant's agent an additional condition to be attached to the operating schedule, details of which had been circulated.

Mr McCallum advised the Sub-Committee that he had no objections to the application.

Mr Wilson advised the Sub-Committee that it was a large outdoor area known as 'the Bottoms' which could be used for activities. He indicated that there was a large structure in the walled garden which in the future could be used for civil weddings. As this area was in the valley any noise would be contained so he believed that this would not give rise to noise issues. Access arrangements for this site were the same as Lambton Castle.

At 1.05 pm the Sub-Committee left to deliberate the application in private. After reconvening at 1.15 pm the Chair delivered the Sub-Committee's decision.

In determining the application, Members had considered the report of the Licensing Officer, Section 182 Guidance and the Council's Licensing Policy, together with the verbal representations of the Applicant. They also took into account the verbal and written representations of Interested Parties.

RESOLVED

That the application for a premises licence be granted as follows subject to the following conditions:-

Opening hours of the Premises	Monday to Sunday 00:01 to 00:00
a) Plays (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00
b) Films (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00
e) Live Music (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00
f) Recorded Music (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00
g) Performance of dance (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00
h) Anything of a similar description to that falling within (e), (f), (g) (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00
i) Provision of facilities for making music (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00
j) Provision of facilities for dancing (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00
k) Provision of facilities for entertainment of a similar description to that falling within (i) or (j) (indoors and outdoors)	Monday to Sunday – 09:00 to 00:00

- i) If Licensable activities are to be provided outdoors for an event which more than 500 people shall be present at any one time, the Safety Advisory Group at Durham County Council shall be informed of the event prior to the event taking place.