

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Wednesday 12 September 2012 at 10.00 am**

Present:

Councillor B Arthur (Chair)

Members of the Committee:

Councillors E Bell and J Hunter

Also Present:

C Greenlay (Legal Officer), H Johnson (Licensing Team Leader), P Nicholson (Committee Services Officer) and Y Raine (Senior Licensing Officer)

Mr and Mrs Rowbotham (Applicants)

1 Declarations of Interest

There were no declarations of interest received.

2 Consideration of a TEN - The Crown, Mickleton

Consideration was given to the report of the Corporate Director, Neighbourhood Service which gave details of an objection notice served by Pollution Control, Durham County Council to a Temporary Event Notice for The Crown, Mickleton, Barnard Castle (for copy see file of minutes).

A copy of the temporary event notice and the objection notice from Pollution Control had been circulated to Members.

A copy of the location plan had been circulated to Members at the meeting.

The Pollution Control Team were unable to attend the meeting but had provided a statement which set out details of the history of complaints from the premises. A copy of the statement had been circulated to Members prior to the meeting.

Mr Rowbotham the Applicant gave Members a brief history of his experience in the catering trade and circulated to Members details of recent catering events which he had been involved with. He also circulated a letter from the wedding party whose wedding reception was to be held at the venue on 15 September 2012, who were asking that the temporary event notice be granted to enable their wedding to be an enjoyable day.

He then gave a powerpoint presentation where he indicated that the Crown was a real pub for real people. They worked closely with the local brewery and used locally produced food and they showed the local Farmers name on their menus to show where the meat had been sourced. They also had modern apprenticeship employees.

He also advised members that the plot was just under an acre and he showed photographs of the public house inside and outside before and after refurbishment which was freehold. He also showed before and after photographs of the garden which was where the marquee would be situated.

A photograph was also shown of the marquee in place and photographs of the Queens Jubilee Event which was held in the marquee where they had a live band this event also marked their 1st anniversary of been open.

Their vision was to re-invest in the premises, develop and inspire generations to understand and enjoy great food.

They had plans to re-open the village shop in the barn building, open a new butchery, host wedding and community events, have 7 en suite bedrooms to include 1 adopted for disabled, a caravan club certified location for 5 touring caravans with all weather pitches and full facilities. The all weather pitches had already been installed.

Their future plans were to build on a dinning room/function suite for 100 or more people and they needed to test the market before building a permanent structure.

Mr Rowbotham showed Members the plans for the village shop which also included a dormitory. He also showed the plans for the caravan park which would provide 10 extra customers per night.

Their commitment was to recruit local people, encourage community activities, promote and support local producers, invest in diverse methods and develop opportunities for young people.

They employed 15 local people which was nil prior to them purchasing the public house. They had to deal with minimum wage increases, a rise in beer duty, food prices rising and then an increase in rates.

The Village Hall hosted events and there was a pigeon club every Monday which lasted 2 hours. The population of the village was 300 and the pub could no longer survive on beer and food sales alone.

He refereed to the objection from Pollution Control and indicated that the first he knew of this was on 8 June 2012. This was a one off event which was publicised but not over publicised. He indicated that at 9.00 pm he had received a complaint from a resident asking for the music to be turned down. The event was a live band and would be finished by 11.00 pm but was finished by 10.30 pm and everyone returned to inside the public house. He did not realise the music was that loud and 200 local residents were at the event.

He referred to point 1.3 of the statement and indicated that the music was within the main building of the premises and there was not a lot of loud music.

He also referred to point 1.6 of the statement and advised Members that 2 hours before the scheduled committee meeting he was contacted by the Pollution Team to ask if they could come to an agreement which was to cease the event at 10.30 pm and limit the noise breakout. He also advised Members that for this event he had posted a letter through every door in the village asking if they supported the event. From this letter he had received 15 letters and several pages of signatures in support of the event.

A resident had monitoring equipment fitted in his home to monitor the event and he was unclear how the music was audible in his home when the music was pointed to the valley behind.

At the last event held he had asked the DJ at 9.00 pm to turn down the beat and at 10.00 pm he had asked for the volume to be reduced and the event was concluded at 10.30 pm, there were no complaints from this event.

He explained that the wedding this weekend would be music 7.00 pm to 9.00 pm then return to background music and conclude by 12.00 midnight. He did not feel that a noise limiter was appropriate.

The Chairman thanked Mr Rowbotham for his presentation.

Councillor Bell sought clarification on how many complaints in total had been made. He also asked for a copy of the letter posted to residents and the kinds of responses made. The applicant provided a copy of the letter.

Councillor Hunter sought clarification on the proximity of the complainant from the blue boundary of the premises.

The Applicant responded that he was not sure who the complainant was but he believed it was the gentleman who rang him to complain about the Jubilee event and showed Members the area where he lived on the location plan. He also advised Members that they had tried to get the monitoring equipment installed in properties closer to the premises. He advised the Sub-Committee that they only wanted to hold 4 or 5 events a year which would include weddings to help the business. Other events would be beer events which would be held during the day.

The Solicitor sought clarification why they had not used smaller speakers. The Applicant responded that they had requested smaller speakers but the DJ had turned up with 2 large speakers and often the DJ's were often booked by the party and not themselves to keep the costs down.

The Chairman asked if they had a Temporary Event Notice for the event on 15 June 2012. The Applicant responded that there was only food in the Marquee and music was played in the public house and a speaker was placed outside. Alcohol was purchased in the bar but was consumed outside.

The Committee left to deliberate the application in private at 10.45 am, After reconvening at 11.05 am, the Chair delivered the Sub-Committee's decision.

In determining the application, the Sub-Committee had considered the report of the Corporate Director, Neighbourhood Services and the written and verbal representations of the Applicant and the written statement of the Public Protection Officer. The Sub-Committee had also taken into account the relevant provisions of the Licensing Act 2003, Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy.

Resolved:

That the application for a Temporary Event on 15 September 2012 be granted and that the Applicant be encouraged to ensure that:-

- i) Recorded music cease at 22:30.
- ii) Background music cease at 23:00.
- iii) Small speakers are used for all music.