

THE MINUTES OF THE MEETING
OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY 21 SEPTEMBER 2005

Present: Councillor Mrs A Naylor (Chair)
Councillors A J Holmes and G Pinkney

Also Present: C Ridley – District of Easington
A Marshall – Applicant
M Simpson – Solicitor for Mr Marshall
R Matharu – Legal Adviser for District of Easington
K Parkinson – Environmental Health and Licensing Manager
Residents – E Smith, D Barrass, A Lawson,
V Whitfield, G Whitfield, P Watson, A Errington

1 APPLICATION TO VARY PREMISES LICENCE UNDER THE LICENSING ACT 2003
– ADRIAN MARSHALL, SEATON LANE INN, SEATON, CO DURHAM

Consideration was given to the report of the Environmental Health and Licensing Manager which gave details of an application to vary a Premises Licence under Section 34 of the Licensing Act 2003, a copy of which had been circulated.

The Principal Environmental Health Officer (Licensing) explained that the application was for the variation of a Premises Licence to extend the hours for the sale of alcohol and request the performance of live music indoors and outdoors, details of which were outlined in the report. In addition other forms of regulated entertainment were requested both indoors and outdoors as well as the provision of late night refreshment in the restaurant until 00.00. A copy of the completed application was attached at Appendix 1.

Environmental Health had made representations on the grounds that the proposed operation of the premises would have an adverse impact on nearby residents in respect of the Licensing Act objective of the prevention of public nuisance and keeping noise within the premises, details of which were outlined in Appendix 2.

Local residents had made representation with respect to the Licensing Objective of Public Nuisance. The residents objected to the application on the objective of public nuisance from the proposed activities. They did not consider the extended hours or activities, particularly the proposed outdoor entertainment as suitable for a residential area. Concerns were also made in relation to parking facilities at the premises. Copies of residents representations were attached at Appendix 2.

The relevant extracts of the authority's Licensing Policy and guidance of the Secretary of State were also attached at Appendix 3 and 4.

Mrs Whitfield spoke on behalf of the residents and stated that their objections were based on unreasonable hours, noise, music, inadequate parking and road safety issues.

Mrs Whitfield explained that the beer garden was in close proximity to nearby properties and noise, including bad language, could become very loud. There was also the noise disturbance caused by people arriving and leaving the pub as well as taxis pulling up late at night. The prospect of music being played from 09.00 -

02.00 was unthinkable to local residents. There was also concern in relation to the volume and speed of traffic using the B1404. Residents were also concerned that the current weight restriction on the B1404 would be lifted which would result in extra traffic.

It was explained that the car park at the pub was inadequate which resulted in cars parking on either side of the road resulting in pedestrians having to leave the footpath to make their way past. It was felt that the hours being requested were unreasonable and unnecessary for such an establishment in a small village. The request for acoustic and electronic music was also unreasonable due the levels of resulting noise and vibration.

Mr Simpson, the applicants solicitor, advised that under new licensing laws the licensee had been forced to look at every event he may wish to hold in the future in one application otherwise the applicant would have to make a separate application for each individual event. It was acknowledged that the application in its current form would cause concern to residents as it had been so widely drawn and due to the timescales involved there had been no negotiation. He explained that the licensee, Mr Marshall, was also resident in the area and under no circumstances did he wish to upset his neighbours. He had therefore submitted the following modifications to the application: -

- Sunday to Thursday 10.00 – 00.30 which included a 30 minute “drinking up” time;
- Friday and Saturday 10.00 – 01.30 including a 30 minute “drinking up” time;
- Beer garden to be vacated by 23.00 every night;
- Provision of late night refreshment in the restaurant until 00.00 for diners only.
- Shooting party breakfasts, 09.00 starts and marquees had been removed from the application;
- Amplified acoustic music outdoors to finish at 20.00 on a maximum of four occasions each year during the months of May to August;
- Indoor music to finish at 23.00 and all windows and doors to be closed when music was being played.

Mr Marshall had agreed to erect notices outside the pub stating, “Seaton was a peaceful village please respect it and its residents”. In addition Mr Marshall would personally contact each taxi company and request them not to use horns outside the premises. Mr Marshall explained that he was committed to addressing residents concerns as he valued where he lived and worked. He explained that he had over 30 years experience in the trade 22 of which were in Seaham and he had a good working relationship with the police and fire authority. The pub was a success and the application had been widely drawn to take into account everything he wanted to do in the future he had no intention of creating a disco or karaoke bar that would ruin the village.

K Parkinson, Environmental Health and Licensing Manager requested that outdoor music not be held on consecutive weekends and that the District Council be provided with at least seven days written notice of any event.

At this point Members of the Sub-Committee retired from the meeting to deliberate the application in private in accordance with 14(2) of the Licensing Hearing Regulations.

Members returned and the Chair explained that having considered the application and the representations put forward the Sub-Committee had **RESOLVED** that the application be granted with the following modifications: -

- (i) Sunday to Thursday 10.00 – 00.30 – including 15 minutes “drinking up” time;
- (ii) Friday and Saturday 10.00 – 01.30 – including 15 minutes “drinking up” time;
- (iii) Beer garden to be vacated by 23.00 every night;
- (iv) Provision of late night refreshment in the restaurant until 00.00 for diners only;
- (v) Indoor music – Sunday to Thursday 22.30 and Friday and Saturday 23.00 with a condition that all windows be kept closed and external doors should not be wedged open and a door closing device must be fitted and in good working order;

The applicant must make the appropriate risk assessment under the Workplace (Health, Safety and Welfare) Regulations 1992 Regulation 6.1. Ventilation. effective and suitable provision shall be made to ensure that every enclosed workplace was ventilated by a sufficient quantity of fresh or purified air;

- (vi) Outdoor music to be limited to four occasions per year between the months of May and August and the licensee must inform the authority at least seven working days in writing in advance of the event taking place. All events to conclude at 20.00. If the licensee should apply for a temporary event notice in the future then these four approved events would be offset against such application.