

## **THE MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE**

**HELD ON TUESDAY 4 DECEMBER 2007**

**Present:** Councillor A J Holmes (Chair)  
Councillors A Burnip and G Pinkney

**Also Present:** C Ridley – District of Easington  
R Matharu – Legal Advisor to District of Easington  
B Giles – Applicant  
W Day – Applicant  
R Smith – Resident  
G Smith – Resident

### **1 APPLICATION FOR PREMISES LICENCE UNDER THE LICENSING ACT 2003 – MR BARRY GILES, 3 – 5 TEMPEST ROAD, SEAHAM**

Consideration was given to the report of the Environmental Health and Licensing Manager which gave details of an application for a Premises Licence under Section 17 of the Licensing Act 2003, a copy of which had been circulated.

The Principal Environmental Health Officer (Licensing) explained that the application was for a new Premises Licence in respect of 3 –5 Tempest Road, Seaham under the Licensing Act 2003. The premises were a 3 storey hotel and apartments with a basement bar and restaurant.

The applicant had requested the following licensable activities;

- recorded music as background for residents and guests between 12.00 and 23.00 daily
- provision of late night refreshment for hotel guests between 23.00 and 01.00 daily
- supply of alcohol - Sunday to Thursday 11.00 to 23.00 and Friday and Saturday 11.00 to 00.30
- Alcohol to legally be sold 24 hours per day to residents and their guests who were bona - fide entertained by the residents at their own expense

The applicant had also proposed the following in the operating schedule;

- Install CCTV and keep recordings for one month
- Staff the premises 24 hours per day
- Request proof of age and erect appropriate signage
- Ask guests to respect the needs of nearby residents
- Take steps to avoid disturbance to neighbours with background music
- Not allow children on the premises after 9pm unless with a resident of the hotel or with their parents

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A copy of the completed application was attached at Appendix 1 to the report.

Relevant representations had been received from residents of a nearby property and related to the licensing objectives of crime and disorder, public safety and prevention of public nuisance.

A copy of the representation was outlined in Appendix 2 to the report.

The relevant extracts of the Authority's Licensing Policy and Guidance of the Secretary of State were attached at Appendix 3 and 4.

Mr R Smith advised that he objected to the application on the following grounds;

- Public Safety would be compromised due to inadequate car parking. Cars would have to park down both sides of the road and down a side street which would impede visibility on an already busy junction
- Increased possibility of anti social behaviour and associated problems which could also result in damage to residential property
- Litter
- Noise disturbance and disorder problems
- the licensed premises were in a residential area and there were five other licensed premises with half a mile of the property which was adequate to satisfy demand
- The bar was open to the general public and not just residents.

The applicant, Mr B Giles explained that he ran a local post office and off licence and had many years experience in the licensing trade where he had always worked well with both the Police and the Local Authority.

He explained that he had discussed Mr Smith's concerns with him and explained that the establishment was a four star restaurant with a small bar area.

With regard to parking he explained that Durham County Council's Highways section had confirmed that there was adequate car parking provision. A Night Porter would always be present on the property which would stop any problems related to noise or nuisance. Staff on the premises would ensure there were no problems in relation to litter. There were other licensed premises within the area and as far as Mr Giles was aware there had never been any problems associated with these premises so there was no reason why this property would be any different, particularly as the establishment was a four star restaurant.

Councillor A Burnip asked if alcohol was to be sold 24 hours a day or between the hours of 11.00 and 23.00. Mr Giles confirmed that alcohol would be served 24 hours a day to residents only and the general public would be able to purchase alcohol between the hours of 11.00 and 23.00.

Councillor A Burnip queried the level of background music that would be played. B Giles explained that this was a four star hotel and background music would be very low. It was explained that additional soundproofing had been installed between the neighbouring properties as a further precaution. It was pointed out that in the

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application Mr Giles had requested live music and was asked to clarify if live music was in fact being requested. Mr Giles explained that the wrong section of the application had been completed and confirmed that recorded music only was requested.

Councillor G Pinkney sought clarification with regard to children being allowed on the premises after 9pm. Mr Giles confirmed that children would not be allowed on the premises after 9pm unless with a guest of the hotel or their parents.

The Chair queried the capacity of the premises. Mr Giles advised that there were 6 letting bedrooms and 3 apartments, a restaurant and small bar. Maximum capacity in the restaurant was 35 and the bar area held 30.

Councillor A Burnip asked how many car parking spaces were available. Mr Giles explained that there were approximately 6 spaces to the rear of the property, additional parking to the side and front of the property and there was also a car park opposite the property.

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.

On their return, the Chair explained that in determining the application all the representations put forward had been considered. In addition the Sub Committee had taken into account the amendment to the application that live music was not requested.

**RESOLVED** that the application, with the amendment that no live music was requested, be approved.