

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Spennymoor on **Thursday 15 June 2017 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors P Atkinson and C Hampson

Also Present:

Councillor D Brown

Councillor P Crathorne

H Johnson – Licensing Team Leader

Y Raine – Senior Licensing Officer

S Grigor – Solicitor (DCC)

Mrs L Dexter – Applicant

Mr N Edmondson – Applicant's supporter

Mrs L Dentith – other person

Mr P Anderson – other person

Mr G I Ferguson – other person

Mr W R Garside – other person

Mrs L Spencer – other person

Mrs Y Sims – other person

Councillor M Carr – Sedgefield Town Council

1 Apology for Absence

An apology for absence was received from Councillor J Blakey.

2 Substitute Members

Councillor P Crathorne substituted for Councillor J Blakey.

3 Declarations of Interest

Councillor Brown stated that as local Member he was familiar with the premises and abstained from the discussion and voting.

4 Minutes

The Minutes of the meeting held on 25 April 2017 were agreed as a correct record and were signed by the Chairman.

5 Application for the Grant of a Premises Licence - Durham House, 8 West End, Sedgefield

The Committee considered a report of the Licensing Team Leader regarding an application for the grant of a Premises Licence in respect of Durham House, 8 West End, Sedgefield (for copy see file of Minutes).

A copy of the application and supporting documentation had been circulated, together with additional information received from the applicant and other person, Mr Nuttall. A letter in support of the application had also been received but had not been verified. The letter was read out to Members.

In presenting the report the Licensing Team Leader advised of an amendment to the application that the sale of alcohol would be for supervised ticket events only for the hours Monday to Sunday 11.00 - 23.00.

It had been alleged that Durham House had been selling alcohol from a bar at the premises but an investigation by Licensing Officers and the Alcohol Harm Reduction Unit had found no evidence of this.

The Chairman invited other persons to address the Sub-Committee.

Mrs Dentith referred to her letter contained in the Bundle of Evidence and stated that a posting on Trip Advisor had implied that the applicant was offering to supply alcohol in the holiday let, even following the submission of the amended application. Their gable end overlooked the premises and they could not open their bedroom window because of noise, which she felt would be escalated when the supper events were held. Parties during the day could be held every weekend of the year involving large groups of people. The building was surrounded by a number of gardens and noise travelled in this quiet residential area. The premises had formerly been a well-managed pub with no noise either internally or externally; the noise had been contained. The residential properties in the area were old and not built to withstand noise. Mrs Dentith asked what measures would be put in place to monitor noise levels.

Residents' weekends were very important and she was concerned about the nature of the themed events. She appreciated that the sale of alcohol would cease at 11pm but noted that there was no finishing time specified.

Mrs Dentith asked where patrons would smoke. The pathway was narrow and there were no bins. There was a driveway between her home and Durham House and she was concerned that smokers would use this area.

Sedgefield Town Councillor Carr appreciated that the licensing hours had been amended but that the Town Council was concerned about noise and had suggested a condition to prevent the sale of alcohol after 10pm, which should address residents' concerns. The Licensing Team Leader explained that the operating schedule included a condition proposed by the applicant that there would be no drinking outside the premises after 10pm.

Mr Anderson stated that he lived only 20 yards from the entrance to Durham House. His main concern was noise; a number of problems had already been experienced, including underage drinking and foul language. Mr Anderson had no objections to the property becoming self-catering accommodation. There had been no noise issues with the premises when it was a public house and was concerned about the nature of the proposed events. As a musician he had attended ticketed events and had found that they varied widely. The applicant had named it a supper club but he had noticed that there was a barbecue and gazebo already set up outside. He asked who would monitor the events, why the applicant had needed to apply for a licence from 11.00am and if there would be a specified drinking-up time.

Mrs Dexter responded that she did not anticipate selling alcohol until 11pm but they had applied for the hours of 11am until 11pm to allow some flexibility. She and Mr Edmondson would be present throughout the events and would allow 10-20 minutes drinking up time.

There were very few eating establishments in the village and they were not trying to promote a drinking culture. They wanted to provide this for the community; the business would earn more as a holiday let every night.

Mr Garside referred to his letter of representation in the Bundle of Evidence and stated that the proposals could transform the use and impact of the building compared to the original submission for change of use. When the application for change of use had been granted various conditions were imposed particularly planning policy H18, and at the time the Council considered that the applicant had a robust management plan which would mitigate against noise. If the Premises Licence was granted he was concerned that the problems the Management Plan was meant to mitigate would occur. There had already been problems at the premises.

Mr Edmondson added that the sale of alcohol was not offered to holiday guests and was a completely separate business. The ticketed events would be the only occasions when alcohol was sold.

Mr Ferguson asked why there was a need for outside activities in a residential area and Conservation Area. The former public house did not have barbecues and he did not see the need for them now. Groups of people could sit outside and there was the potential for aggressive behaviour which children should not be subjected to.

Mrs Dexter, the Applicant was invited to address the Sub-Committee and commenced by explaining that it was not her intention to upset the residents. The occasions when residents had cause to complain were at two private events in their own property, and for which she had apologised. The other incident referred to by residents, a stag party, had been three months ago and there had been no issues since as measures had been taken to prevent a recurrence. The additional information included a sign that had been erected at the property which asked guests to keep outdoor noise to a minimum, particularly after 10pm and warned that the owners may visit the property unannounced to ensure noise levels were acceptable.

For the benefit of all parties present, the Licensing Team Leader clarified that the Premises Licence for the sale of alcohol applied to the licensed ticket events and would be supervised by a DPS. The consumption of alcohol was not a licensable activity and the issues referred to in relation to the holiday let were planning enforcement matters; the Police or Environmental Health could investigate any nuisance relating to the holiday let.

Mrs Dexter reiterated that the Premises Licence application related only to the proposed ticketed events, to which walk in customers would not be permitted. The sale of alcohol to residents of the holiday accommodation had been withdrawn from the application to address the concerns of neighbours.

Mrs Dexter explained that she was a school teacher and had been upset about the accusations that she had sold alcohol to underage persons.

The premises had formerly been a public house which was losing business and it had stood empty for 18 months, which could explain the lack of noise. This was a commercial building and as a pub there would have been smoking outside, and taxis picking up customers at 11pm. They had purchased the premises with a view to making it a high end holiday let. During the ticketed events guests would not have access to the rooms upstairs. There had been no objections from Environmental Health to the application.

Mrs Dexter referred to Part 1 of the National Planning Policy Framework which was about building a strong economy. The premises would employ a local chef and local people and in Sedgefield there were very few opportunities for residents to dine out.

Mrs Dexter then addressed the licensing objectives. With regard to the 'prevention of crime and disorder' the DPS would be present at all times and there would be no promotional activities. As a supper club the focus would be on the chef and good food with around 22 people dining at the same time. She anticipated the profile of guests would be couples over the age of 30 and from the village. When the licence

had been advertised she had received over 80 'likes' on Facebook from residents, some of which had been included in her submission.

Following a question from the Chairman about including a maximum number of guests, Mr Edmondson stated that this could be an issue as they may wish to hold other events at the premises, for example during the village's medieval day.

Following a further question from the Member, Mrs Dexter confirmed that she would maintain an incident book.

With regard to 'public safety' Mrs Dexter continued that there was a risk assessment and maintenance schedule in place, and the car park to the rear could accommodate 10 cars, although she expected that most guests would car share or walk.

Addressing the licensing objective 'prevention of public nuisance', Members were informed that signs were erected around the property asking customers to respect neighbours, and staff would monitor drinking outside. Outside doors would be kept closed during the ticketed events and smokers would be asked to smoke on the turfed area.

With regard to the protection of children from harm, Challenge 25 would be implemented, although she did not expect under 18s to attend the supper events. The conditions recommended by the LSCB would be implemented and all staff would be trained in the sale of age restricted goods. A refusals register would also be kept up to date by staff.

Following a question from the Chairman about training, Mrs Dexter explained that she would personally undertake training on an annual basis.

Mrs Dexter appreciated the concerns of residents following the stag party but there had been 17 bookings since without incident. She had worked hard to reduce the potential for noise. All potential clients were informed by e-mail that Durham House was not a 'party house'.

During questions of the applicant Mrs Dentith expressed concern about the potential for outdoor themed events which, without any constraints on the licence, could occur every weekend.

Mrs Dexter assured the resident that the premises was primarily a holiday let and it would not be in their interest financially to hold events at weekends when bookings were most popular.

Mrs Dentith asked for a condition to be attached preventing outdoor events at weekends.

The Licensing Team Leader clarified that the only licensable activity requested by the applicant was for the sale of alcohol and therefore an outdoor event could be held at anytime with a 10pm curfew.

Mr Ferguson referred to the comments made about economic growth, which he was in support of, but not at the expense of other people. He was also concerned that the bar area in the property had been retained.

Mrs Dexter explained that the bar area had been retained as a gimmick as a unique selling point but guests would bring their own alcohol. No alcohol had been sold during holiday lettings.

All parties were invited to sum up.

Mr Anderson stated that his queries with regard to what was proposed by the Applicant had been clarified.

Mrs Dentith requested that a finishing time be specified for ticketed events and that noise be monitored both inside and outside the premises.

Mr Edmendsen stated that both he and Mrs Dexter appreciated the points made by neighbours and hoped that it had not become personal. They had invested heavily in the community and had acted with the best of intentions. He hoped that they could work with local residents.

At 11.40am the Sub-Committee retired to deliberate the application in private. After re-convening at 11.50am the Chairman delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Licensing Team Leader, and the verbal and written representations of the Applicant and her supporter, and local residents. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the Premises Licence be granted as follows:

Activities	Days and Hours
Sale of Alcohol for consumption on the premises (Sale of Alcohol at ticketed supper club nights and themed events)	Monday to Sunday (11.00 – 23.00 hours) Drinking up time to 23.30

The following conditions proposed by the applicant be included:-

The Prevention of Crime and Disorder

DPS to be present at all times for the sale and consumption of alcohol.

Other persons on site will have written permission to sell alcohol.

No promotional activities to take place within the premises.

Ticketed events only. Alcohol will only be sold to those who have bought a ticket.

Events to be a 'supper club' and/or similar.

Supper club will be a high end dining experience with chef. The focus will be the food and the chef. The alcohol licence will enable customers to enjoy alcohol (predominantly wine) in order to enhance the taste of the food.

Anticipated profile of patrons to be couples over 30, who appreciate fine food. Expectation that they will be from the village and this will initially be monthly events and they will not be extensively promoting the club.

The main source of business to remain a holiday let and not from the sale of alcohol. The supper club concept has been created to provide an additional asset to the community in terms of high end dining within the village.

The supper club will only seat a maximum of 22 people at a time.

Drinking will be restricted to the inside area and the outside seating area which is turfed and clearly marked.

Signs at the front door clearly state not to drink outside the front.

Proof of age signs to be clearly marked.

Book will be placed behind the bar to record all incidents at the premises.

Public Safety

Alcohol will only be sold to those with a ticket. Walk in customers will not be sold alcohol under any circumstances.

Risk Assessment in place.

Maintenance list and schedule is freely available for all staff to note. Maintenance jobs are carried out weekly.

A car park at the back of the property can accommodate up to 10 cars. Twenty two diners at the premises at a time, no anticipated issues with parking as expectation that most guests will be couples/small parties who will share a car or walk.

Prevention of public nuisance

Signs to clearly ask patrons to leave the car park and premises quietly.

Signs to be clearly evident asking those outside who may be smoking to respect neighbours.

Signs to be clearly evident not allowing customers to drink outside after 10pm. Staff present to carefully monitor drinking outside.

No queuing to enter the premises due to the fact that walk in customers will not be admitted.

Doors to the outside will be kept shut to minimise noise.

Alcohol only to be sold between the hours of 11am and 11pm.

Book to be kept to record nuisance complaints.

Taxi numbers to be clearly placed at front door.

Those who wish to go outside (mainly smokers) will be asked to drink at the back of the house within the turfed area and not go outside the front.

The Protection of Children from Harm

Verification of Age Policy – the Challenge 25 verification policy shall be operated which requires anyone looking under the age of 25 to produce photographic evidence of proof of age from a passport, driving licence or PASS accredited scheme before any alcohol is supplied.

Challenge 25 standards to be placed at point of sale of alcohol.

The actions of staff operating the policy to be regularly monitored.

Due to nature of events, no expectation that young persons under the age of 18 to attend supper club. Those who do will be with parent/carers.

Walk in customers will not be admitted which will reduce the possibility of minors attempting to gain alcohol.

Minimise the risk of proxy sales – the applicant will work with the Police to minimise the risk of proxy provision/proxy sales.

A refusals register will be maintained; where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register or incident log to be updated. The register to be made available to the Police on request.

Training of staff. All staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.