

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Monday 20 November 2017 at 2.00 pm**

### **Present:**

**Councillor P Crathorne (Chair)**

### **Members of the Committee:**

Councillors D Brown and C Hampson

### **Also Present:**

Councillor Joyce Maitland

Yvonne Raine – Senior Licensing Officer

Stephen Buston – Solicitor (Litigation) - DCC

Petra McDonald – on behalf of applicant

Michael King – on behalf of Barnard Castle Town Council

#### **1 Apologies for Absence**

There were no apologies for absence.

#### **2 Substitute Members**

There were no substitute Members.

#### **3 Declarations of Interest**

There were no declarations of interest.

#### **4 Application to Vary a Premises Licence - Il Palazzo, 105 Galgate, Barnard Castle**

The Committee considered a report of the Corporate Director of Adult and Health Services regarding an application to vary a Premises Licence for Il Palazzo, 105 Galgate, Barnard Castle (for copy see file of Minutes).

The Senior Licensing Officer advised that following mediation with Durham Constabulary the applicant had added additional conditions to the operating schedule and had amended the requested times for the sale of alcohol, details of which were set out in the report. Durham Constabulary had withdrawn their representation.

One other representation had been received from Barnard Castle Town Council, and Mr Michael King, the Town Clerk was in attendance to address the Sub-Committee.

Mr King explained that the Town Council had considered the application and the proposed amendments following mediation, but still wished to object to the proposals in view the of the proximity of the premises to three residential care homes, and to Beaconsfield Court in particular. The Town Council considered that the proposals would unreasonably inconvenience residents at a time of night when National Guidance stated that residents should expect peace and quiet without undue noise.

If the variation was granted residents would be subjected to an unreasonable level of nuisance. The Town Council had no objections to the existing licensing hours.

Mr King responded to questions, and advised that whilst the Town Council had not received any formal complaints directly, it was aware of informal concerns amongst neighbours and this had prompted the Town Council to make representation. There were no other similar licensed premises in the immediate vicinity but there were other premises with similar licensing hours or longer, nearer to the centre of the town.

Mrs Petra McDonald was invited to address the Sub-Committee on behalf of the applicant. She advised that the applicant believed that there was a market for a high end wine bar in the town and the business had operated for three years without complaint. Customers of Il Palazzo were mature and considerate, and their regulars were supportive of the proposal for later hours on Friday and Saturday evenings. The applicant had an arrangement with two local taxi firms who provided a swift response to bookings, which ensured the prompt dispersal of customers.

She believed that the proposals would bring something into the local community and did not feel that there would be a disturbance as a result of the later hours. There would be no live music, just drinks after meals, a service which was not offered in the area at present.

Following questions from Mr King, Mrs McDonald advised that customers were aware of their licensing hours and closing times, and therefore in the last 12 months there had been no cause to refuse the sale of alcohol towards the end of an evening. The applicant had carried out a survey of their existing clients to assess demand, and they had all been supportive.

Following a question from Councillor Maitland, Mrs McDonald advised that the business had not used door supervisors in the past but the applicant had started to make enquiries about putting these arrangements in place.

In response to a question from Councillor Hampson Members were advised that bottle bins were usually emptied between 11 and 12 noon the following morning.

All parties were invited to sum up.

Mrs McDonald hoped that the Sub-Committee would appreciate what the business would bring to the local economy and area. She firmly believed that they would be able to keep both residents and customers happy.

Mr King stated that the Town Council supported the business and restaurant, and had no objections to the current licensing hours but was concerned that the extended hours would unreasonably inconvenience the residents and attract people to the premises in order to drink late into the evening. The Town Council also noted that there was no untapped demand for the additional hours.

At 2.20pm the Sub-Committee resolved to retire to deliberate the application in private. After re-convening at 2.30pm the Chair delivered the Sub-Committee's decision.

In reaching their decision Members had taken into account the report of the Senior Licensing Officer, the mediation that had taken place between Durham Constabulary and the applicant, and the representations of Mrs McDonald and Mr King. The Sub-Committee 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 application for the variation of the Premises Licence be granted as follows:-

<b>Activity</b>	<b>Days and Hours</b>
Opening hours and Late Night Refreshment	Mon to Wed 11.00 to 23.30 hours Thurs 11.00 to 00.30 hours Fri to Sat 11.00 to 01.30 hours Sun 12.00 to 23.00 hours New Year's Eve 11.00 to 00.00 hours New Year's Day 00.00 to 23.00 hours  Seasonal timings to include one additional hour (but never to exceed <u>01.30</u> hours):  Christmas Eve Boxing Day Easter Bank Holiday (Thurs to Mon) May/Whit/August Bank Holiday (Fri to Sun)
Sale of Alcohol (consumption on and off the premises)	Mon to Wed 11.00 to 23.00 hours Thurs 11.00 to 00.00 hours Fri to Sat 11.00 to 01.00 hours Sun 12.00 to 22.30 hours

	<p>New Year's Eve 11.00 to 00.00 hours New Year's Day 00.00 to 23.00 hours</p> <p>Seasonal timings to include one additional hour (but never to exceed <u>01.00</u> hours):</p> <p>Christmas Eve Boxing Day Easter Bank Holiday (Thurs to Mon) May/Whit/August Bank Holiday (Fri to Mon)</p>
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The following conditions be imposed upon the Premises Licence:-

- a) all staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence, including times of operation, licensable activities and all conditions. Such training will be recorded in a register. The register will be made available to Police or an authorised officer of the Council, upon request;
- b) the premises shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up-to-date. The register will be available for immediate inspection by Police or authorised officers of the Council;
- c) the premises shall maintain an incident book, which shall be made available to the Police and authorised officers of the local authority, upon request;
- d) a CCTV system will be installed and in operation at all times that the premises are being used for licensable activities and for two hours after. It must be operated by properly trained staff;
- e) recordings will be retained for a minimum of 28 days;
- f) the premises will ensure that at least one trained member of staff is available to operate the system at all times that the premises are open and download any images requested by an authorised officer and provided within seven days.
- g) children under the age of 18 will not be allowed entry or to remain on the premises after 22.00 hours;
- h) the premises will have a drugs policy in place;
- i) the premises will ensure that all relevant documents confirming a person's eligibility to work in the United Kingdom are held on site at all times the

premises are open and made available to Durham Constabulary and the Responsible Authorities, on reasonable request;

- j) there will be such a number of door supervisors as the management of the premises considers sufficient, to control the entry of persons to the premises and for keeping order in the premises when they are used for licensable activities.