

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2 - County Hall, Durham on **Tuesday 16 October 2018 at 12.00 pm**

Present:

Councillor P Crathorne (Chair)

Members of the Committee:

Councillors G Darkes and C Hampson

Also Present:

Councillor L Kennedy

K Robson – Senior Licensing Officer

V Craig – Licensing Assistant

S Grigor – Solicitor

BarberBar2

D Hutchinson – applicant

Councillor T Tucker

The Manor House, Sedgefield

E Parsons – applicant

T Jeanes – other person

T Brown – other person

M Carr – Sedgefield Town Council

Councillor J Robinson

1 Apologies for Absence

Apologies for absence were received from Councillors D Bell and A Hopgood.

2 Substitute Members

Councillor Hampson substituted for Councillor Bell.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - BarberBar 2, 17 South Church Road, Bishop Auckland

The Committee considered a report of the Corporate Director of Regeneration and Local Services regarding an application for the grant of a Premises Licence in respect of BarberBar2, 17 South Church Road, Bishop Auckland (for copy see file of Minutes).

Valerie Craig, Licensing Assistant presented the report which included a copy of the application and supporting documentation.

Councillor Tucker was invited to address the Sub-Committee. The Councillor referred Members to her representations in the bundle and stated that County Durham had problems with binge drinking which was on the increase. The County also had a high proportion of alcohol-related anti-social behaviour in communities. The Member felt that granting Premises Licences to businesses that would not normally sell alcohol would increase the potential for alcohol related anti-social behaviour. The area already had a lot of premises that sold alcohol at all hours, and she considered that granting this Premises Licence would start a trend among businesses that were not normally associated with the sale of alcohol. Councillor Tucker queried whether the business would be affected by not selling alcohol; customers visited the shop for a service and if they were happy with the service they received they would return, whether or not alcohol was available.

Mr Hutchinson, the applicant stated that this was not a new concept; he had operated a similar premises in Crook without problem. Off-sales were not provided, it was purely the offer of a complimentary 330ml drink per customer. The premises would implement Challenge 25, all staff were trained and no alcohol would be taken off the premises. Neighbours had said that they no longer experienced problems with youths congregating outside the premises at lunchtimes.

Following a question from Councillor Darkes, the Sub-Committee was informed that the alcohol served was a complimentary drink for consumption on the premises. The serving of complimentary drinks required a Premises Licence.

Councillor Tucker asked the Licence Holder the percentage take-up of alcohol in the Crook premises, and was advised that around 45-50% of customers accepted a drink but it depended upon factors such as the time of year. Soft drinks were offered to customers first.

Councillor Tucker then asked if Mr Hutchinson felt that his business would suffer if alcohol was not offered, and if the area in which the premises was located had been a factor in his business plan, given the alcohol-related anti-social behaviour problems in County Durham.

Mr Hutchinson responded that the price structures of the business were high and he could not therefore say if his business would be affected if alcohol was not sold, and reiterated that this was not a new concept. He appreciated the Members' views with regard to the issues in County Durham, but that the application should be considered in accordance with licensing legislation.

At 12.20pm the Sub-Committee **Resolved** to retire to deliberate the application in private.

After re-convening at 12.25pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had considered the report of the Licensing Assistant, and the verbal and written representations of the applicant and local Councillor. 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:-

- (i) All staff to be kept fully trained on all policies and procedures. All training records will be made available to officers when requested. 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.
- (ii) There will be three barbers chairs and a minimum of two barbers on the premises during the opening times.
- (iii) One complimentary 330ml alcoholic drink will be offered to each customer.
- (iv) Customers will be asked for proof of age should they look below the age of 25 years (Challenge 25) forms of identification accepted will be passport, driving licence or citizen card as proof of age.
- (v) There will be CCTV cameras in the premises and all staff will be trained in the use of CCTV and all footage will be retained for 28 days should it be requested by Authorities.
- (vi) Persons who enter the premises under heavy influence of drink/drugs will be refused the services offered by BarberBar.
- (vii) Full initial training will be conducted by the DPS to ensure no alcohol is given sold to anyone underage.
- (viii) All children below the age of 13 will be accompanied by an adult. There will be no access permitted to the fridge by children and the fridge will be locked when not in use.
- (ix) The premises will hold a refusal register and endorse after any refusal. This will be made available upon request by authorities.

- (x) The applicant will work with police to minimise the risk of proxy provision/proxy sales

5 Application for the Grant of a Premises Licence - Applegreen Plawsworth Service Station, A167 Northbound, Chester-le-Street

Members were informed that the application had been withdrawn.

6 Application for the Grant of a Premises Licence - The Manor House, West End, Sedgefield

The Committee considered a report of the Corporate Director of Regeneration and Local Services regarding an application for the grant of a Premises Licence in respect of The Manor House, West End, Sedgefield (for copy see file of Minutes).

Karen Robson, Senior Licensing Officer presented the report which included a copy of the application and all supporting documentation. A photograph showing the proximity of Manor Cottage to the premises was circulated to all parties.

Councillor Robinson addressed the Sub-Committee on behalf of local residents. The Member advised that there were no objections to the management of the premises or to the extension of the licence to include the cellars, and that the works to the windows to mitigate against noise were fully supported. However a number of residents had objected to recent applications for other licensed premises in Sedgefield because of concerns about the disturbance from licensable activities outdoors, and therefore objected to this application for the same reasons. If the licence was granted he asked that for consistency, the conditions imposed on the other premises be also applied at the Manor House.

Mr Jeanes, local resident stated that the applicant had been helpful and had taken the objections on board. He welcomed the reduction in the number of outside events but remained concerned that on 12 occasions per year functions could take place between 2.00pm and 10.30pm outside. He expected that these functions would take place in the summer months and at weekends and his property was directly behind the wall of the car park where the outside functions would take place.

The resident asked how noise restriction could be achieved so that it was at a level that was not intrusive. He noted that measures for controlling behaviour would be put in place but he believed that outdoor events where alcohol was available would be more difficult to control.

The applicant had acknowledged that there were no objections to indoor activities and he appreciated his efforts to look after such a fine building but if the premises were to change hands any future owners may take full advantage of the licensable activities, if the licence was granted as requested.

Mr Brown, local resident noted that live and amplified music would not be played in the outdoor area and asked how this would be managed. He also asked what

weather protection would be given to guests as the applicant had advised that he did not intend to use a marquee. He was also concerned that cars would be displaced onto the village green which already had parking problems.

Mr Carr of Sedgefield Town Council noted that whilst the licensable activities had been amended, with the removal of dance, live and amplified music outdoors, the Town Council were still concerned that background music could cause a disturbance. Other premises in Sedgefield had restrictions on outside use and whilst the Town Council wished the applicant every success, a consistent approach to licensed premises across Sedgefield was needed.

Mr Parsons the applicant was invited to address the Sub-Committee. He advised that he and his wife had owned the Manor House since 2014 and valued the building very highly. They had decided to increase the use of the building and make it more accessible. As it was a listed building he needed to make it viable to be able to invest in its future. 60% of the floorspace was occupied for business use and there was a need to make use of the remaining space. Weddings were now held in the building and they wished to extend the use to private parties, christenings and funerals. With the exception of funerals all other bookings were usually at weekends. They were trying to develop the business and improve their wedding offers, aiming for 10 per year. They had received good feedback but they struggled with competition because of the lack of space, so an option was to develop the car park as outside space between May and September.

With regard to the car park, he assured the residents that music was not intended outside. With regard to the performance of plays and dance he advised that they wanted to be able to allow the local drama group to use the building but did not intend promoting this, nor would any such activities apply to the outside area.

The purpose of the application was to help with the viability of the Grade 2 Listed Building which was expensive to maintain. It was not operated as a Public House.

Mr Parsons addressed the residents' concerns. The application referred to 12 occasions per year until 11pm. This number was more than generous, in reality the functions would be in the summer months and at weekends. He had spoken with Environmental Health who had suggested a smaller number of occasions until 10.30pm which he would be happy with. 11pm had been applied for as a suggestion from the Police.

In terms of the use of the outdoor area, he advised that the premises had a good record to date and he had not been aware of any disturbance to residents. They listened to the sound levels outside and would continue to do that. Music would be played below normal conversation levels.

The playing of music outdoors was not a primary aim; this was an overspill area. Films had been included to provide children's entertainment.

In terms of the concerns about parking, the car park was large and could accommodate 33 vehicles. The car park had never been full and they were only proposing to use a third of it immediately behind the rear door of the premises.

Alcohol was already supplied on and off the premises until midnight without problem. The planning consent required the premises to be closed by midnight and sales finished around 11.30pm to ensure that the closing time was adhered to. Staff were trained to ensure that customers were away from the premises by that time.

Staff received training at least every six months and before every event.

Marquees would not be used; they intended to use temporary external units; photographs of the proposed units were circulated to all parties. They may use a gazebo but any erection would be removed before the Monday morning after the event.

Mr Jeanes had expressed concern that if another person took over the premises in future they may take a different approach to the licensable activities which may have an impact on residents. Mr Parsons wished to reassure residents that he did not plan to sell the building and welcomed the restrictions suggested.

Following a question from Councillor Hampson, Mr Parsons advised that polycarbonate glasses would be used in the outside area.

Councillor Crathorne asked how the outside area would be monitored. Mr Parsons explained that they would look at each event individually and employ additional staff if necessary. This was a premium venue so they did not want staffing numbers to be inadequate. They would consider using trained door staff if they felt an event warranted it. This was a ticketed venue and there were no public houses nearby so door staff may be a consideration.

Councillor Crathorne asked Mr Parsons to confirm that he wanted 12 events per year. Mr Parsons confirmed this but envisaged that they would struggle to use all 12 in the next few years.

Councillor Darkes asked if children were allowed on the premises and if this was the case, if there were any restrictions on hours, and how their safety was ensured in the car park. Mr Parsons advised that children were allowed on the premises which was checked at every booking to ensure that the staff were aware. The car park was surrounded by high walls and was gated, with access by key fob only. He would include in the Management Plan that the gate would remain closed during events.

Mr Brown asked how background noise would be limited and if a noise limiter had been considered. Mr Parsons advised that he would be happy to consider the installation of a noise limiter but did not anticipate that noise levels would be at such a level that a limiter would be needed. He had said that noise would be below conversation levels and the Licence could be at risk if those levels were exceeded.

S Gallimore, Senior Public Protection Officer advised that Environmental Health could assist with setting the appropriate levels if Mr Parsons wished to install a noise limiter. Residents could submit a complaint if noise levels caused a disturbance.

All parties were invited to sum up.

Mr Jeanes remained concerned that the premises could hold 12 events between July and September and asked Councillors to put themselves in the position of residents. As a neighbour he would be affected every weekend in the summer months. Once a month was tolerable but every weekend in the summer months was too much.

Councillor Robinson asked Members to take into account what Mr Jeanes had said which he felt were sincere concerns.

Mr Parsons stated that when he had spoken with Environmental Health he had been asked to consider 6 occasions up to 10.30pm which he would be happy to offer, and to submit applications for a TEN for any additional events.

At 1.55pm the Sub-Committee **Resolved** to retire to deliberate the application in private.

After re-convening at 2.20pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Senior Licensing Officer, and the verbal and written representations of the applicant and other persons. 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:-

- (i) Outside area will only be used for a total of 6 times per calendar year
- (ii) All activities in the outside area will cease at 22.00, area to be cleared and closed by 22.30
- (iii) Amplified music not to be played outdoors. Music performance outdoors to be limited to background music and that the applicant should work with Environmental Health to establish appropriate noise levels
- (iv) There to be no performance of dance outdoors
- (v) There to be no performance of plays outdoors
- (vi) Films to be shown between 11.00 and 22.00 Monday to Sunday and with the use of headphones

If there are any proposed events on New Years Eve then an appropriate TENS application should be made.