

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Tuesday 26 November 2019 at 10.00 am**

### **Present:**

**Councillor C Carr (Chair)**

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

Councillors K Liddell and J Maitland

### **Also Present:**

Karen Robson – Senior Licensing Officer

Stephen Buston – Solicitor, DCC

David Garnet and Alastar Wild – Applicants

John Dobson – other person

William and Jeanette Singlewood – other persons

### **1 Apologies for Absence**

An apology for absence was received from Councillor A Hopgood.

### **2 Substitute Members**

There were no substitute Members.

### **3 Declarations of Interest (if any)**

There were no declarations of interest.

### **4 Minutes**

The Minutes of the meetings held on 4 June, 16 July, 22 August, 5 September, 17 September, 1 October and 8 October 2019 were agreed as a correct record and were signed by the Chair.

## **5 Applicant for the Grant of a Premises Licence - 17 Chester Street, Bishop Auckland**

The Sub-Committee considered a report of the Senior Licensing Officer regarding an application for the grant of a Premises Licence in respect of 17 Chester Street, Bishop Auckland (for copy see file of Minutes).

A copy of the application and supporting documents had been circulated to Members together with validated letters of support which had been provided by the Applicant. Members were informed that Bishop Auckland Town Council were unable to attend but had provided a statement which was circulated to all parties present. Photographs showing the location of the premises were also provided.

Following a question from Councillor Carr the Member was informed that the times for licensable activities had been amended following mediation with Environmental Health. Details were included in Appendix 4.

Mr Dobson other person was invited to address the Sub-Committee and referred to Section 18 of the completed application form regarding the steps the applicant intended to take to promote the licensing objectives. Mr Dobson stated that the building did not have CCTV or external lighting, no proper drainage, no disabled access, the floors were uneven and the building only had a single macerator toilet. He had known the Applicants for a number of years and did not want them to waste money on a building that was unsuitable for what was proposed.

Mr Dobson also expressed concern about the potential for proxy sales and asked how this would be monitored. The Chair explained that the premises would be required to have a refusals register and incident book which must be available for inspection by the Licensing Authority and the Police.

Mr Dobson continued that his main concern was that the premises were only 10m away from his own property. Noise would be generated by smokers outside the premises which would be audible in his home. He was concerned at the potential for the noise to disturb his daughter who was in her last year of school.

Referring to the photographs Mr Dobson directed Members to the vehicle repair garage located next door. Vehicles would drive in and out of the garage in close proximity to customers. He was also concerned about the potential for customers to urinate in the alleyway to the rear of the residential properties.

The premises had a very small yard with only one entrance in and out of the building. If a large number of people were inside and an incident occurred

customers would not be able to exit the premises. The small yard would be used by smokers and customers would have to walk through this area to enter the building.

He could not envisage many people being happy having a new licensed premises next door which had not been there when they moved into their home.

Mr and Mrs Singlewood were invited to address the Sub-Committee. Mr Singlewood concurred with the views of Mr Dobson and added that they were concerned that the number of people already using the unlit alleyway would increase.

Following a question from Councillor Maitland, it was confirmed that the premises was less than 30m from Mr and Mrs Singlewood's back gate.

Mr Garnet and Mr Wild were in attendance from Bishops Brewing Ltd, the Applicants. Mr Garnet stated that they understood the concerns of residents and would like to emphasise how seriously they took the licensing objectives. Mr Garnet addressed the concerns presented.

Mr Dobson had referred to the building and steps to promote the licensing objectives, and Mr Garnet explained that works would not commence until a decision was made in respect of their application. If the application was granted the steps proposed to promote the licensing objectives would be implemented. Their proposals would bring a derelict building back into use.

Councillor Carr noted the comments of the Local Planning Authority and asked if the Applicants had made contact to discuss their proposals. Mr Garnet confirmed that their planning application was being prepared and that they had contacted the planning authority for pre-application advice. He appreciated that both planning permission and a Premises Licence would be required before proceeding.

Addressing the concerns regarding the proximity to the school, Mr Garnet advised that they sold only premium products, which would not attract the drinking culture referred to by Mr Dobson. They already held a licensed premise in the town which operated without any issues. Their clientele was aged between 30 and 60 years, and their existing premises welcomed families. Young people would not be able to afford their products which started at £4 per pint. Mr Dobson had visited their other tap room in the town and had commented favourably about the premises and products. There were two other premises in the vicinity of the residential properties which served cut price alcohol.

With regard to the comments about the smoking area and single point of access, Mr Garnet stated that this arrangement was not uncommon. He confirmed that the smoking area would be the yard. They had very few smokers in their current premises and generally fewer people smoked.

He appreciated the proximity of the premises to residential properties but it was not unusual for people to live next door and above pubs without issue, and he himself had done so in the past for 25 years.

The customers they wanted to attract were not the type to shout, fight or urinate in the street.

Councillor Carr asked about off-sales and was advised that they would not be operating as an off-licence. They had applied for off-sales for the purpose of on-line sales between the hours of 8.00am and around 4.00pm or 5.00pm.

Mr Garnet continued that the business would create eight local jobs in an area of high unemployment. The letters of support demonstrated the following they had. They created a lot of business for local companies and tried to be environmentally aware.

Mr Wild explained that a plumber and electrician were in a position to commence the works as soon as permissions were granted. Following a query from Councillor Carr, Mr Wild clarified the drainage arrangements in the building.

The bar would accommodate a few tables but 90% of the time the area would be used as production space.

Councillor Carr noted that in respect of regulated entertainment an audience of up to 500 was included on the application form. It was noted that this maximum number was standard, and the Fire Authority may place restrictions on capacity through the planning process.

Mr Garnet stated that they could accommodate 100 people but numbers would probably be closer to 50. They were trying to build the business around the community and their existing premises did not generate more than 50 customers at any one time. It would not be a vertical drinking establishment.

Councillor Liddell asked if the business sold different brands of alcohol. Mr Garnet advised that they sold independently owned craft beers and ales.

Mr Wild referred to the letter of support from a local brewer in Newton Aycliffe who had inspired their business. They sold more local ales than any other product.

Following a question Mr Garnet advised that he had worked as an Assistant Unit Manager and Unit Manager for Wetherspoons and was a Hospitality Manager for a Football Club before that. The Senior Licensing Officer clarified that the Premises Licence for their other premises had been granted in November 2017.

Councillor Maitland noted that the Town Council were concerned about the 8.00am opening hour, and asked about staff training.

Mr Garnet responded that alcohol would not be sold to individuals during the day, the off-licence was for the postage of alcohol from online sales. Their existing training regime was extremely high and they had not failed any test purchases. Both he and Mr Wild held Personal Licences and staff training included Challenge 25.

Councillor Carr asked about delivery arrangements to and from the premises. Mr Wild responded that a couple of companies had expressed an interest in purchasing their products and kegs would be couriered early in the day.

Following a further question from the Member, Mr Garnet confirmed that the premises would be involved with Pubwatch.

Mr Dobson asked where Mr Garnet had obtained his information regarding people living next to and above pubs without problem, and made the point that the pub was already there when Mr Garnet had lived next door. Mr Garnet replied that he had just said that people could happily live next to or above a pub.

All parties were invited to make closing statements. Mr Dobson stated that he had not chosen to live next to a pub.

Mr Garnet stated that there was another pub within 300m of Mr Dobson's property which had been there over 100 years.

At 11.05am the Sub-Committee **Resolved** to retire to deliberate the application in private. After re-convening at 11.35am the Chair delivered the Sub-Committee's decision.

In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer, the written representations of other persons, the validated letters of support, the statement of the Town Council, the mediation between the Applicants and Environmental Health, and the verbal representations of Mr Dobson, Mr Singlewood and the Applicants. 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 application be granted as follows:

Activity	Days & Hours
Proposed Opening Times	Monday to Sunday 08.00 to 00.00 hours
Sale of alcohol (for consumption on and off the premises)	Monday to Sunday 10.00 to 23.00 hours  Good Friday until 01.00 hours (one additional hour to be added to the terminal hour of the day preceding the Bank Holiday)

**General**

- 1) We will hold the four objectives in high regard and will strive to keep staff fully trained on all of our policies and procedures, all training records will be made available to officers on request.
- 2) Well trained staff will contribute to a responsible approach to the sale of alcohol.
- 3) All staff will be advised of licensing law, before they are allowed to sell alcohol.
- 4) All staff will be trained for specific on-site policies regarding operation of the business.
- 5) A training record will be kept and made available to officers and responsible authorities.
- 6) No serving of alcohol to any person who appears to be drunk.
- 7) Full initial staff training to be carried out by the DPS to ensure no alcohol is sold to anyone underage & refresher training carried out every six months.
- 8) CCTV has been installed covering all internal areas, with the date and time set correctly. Cameras will encompass all entrance and exits of the building and the majority of staff will be trained how to use the system. All footage will be kept for at least 28 days.

### **The prevention of crime and disorder**

- 9) CCTV has been installed covering all internal areas, with the date and time set correctly. Cameras will encompass all entrance and exits of the building and the majority of staff will be trained how to use the system. All footage will be kept for at least 28 days.
- 10) External lighting has been upgraded.
- 11) A door admissions policy, setting out age restrictions and expected dress standards.
- 12) Ejecting or refusing entry to persons who do not meet admission standards or are known to be violent or aggressive.
- 13) Staff training in conflict management, allowing members of staff to deal with difficult situations. Keep accurate records.
- 14) Zero tolerance policies on drugs and weapons
- 15) Drug awareness training
- 16) Lost and found policy will be operated.
- 17) Carefully positioned alcohol to prevent theft.
- 18) Staff training to deal with drunk customers.
- 19) Drink aware posters.

### **Public safety**

- 20) Internal and external lighting fixed to promote public safety.
- 21) Staff trained in adherence to environmental health requirements.
- 22) Challenge 25 policy implemented, and log book kept with all refusals.
- 23) Premise and all fittings & fixtures to be maintained at all times, to a safe and working order.
- 24) First aid boxes will be available and maintained.
- 25) Means of escape in an emergency are clearly marked.
- 26) Awareness of requirements regarding health & safety
- 27) Incident log will be kept at all times.

### **The prevention of public nuisance**

- 28) A noise management policy will be in place, including shutting windows and doors.
- 29) A contact number will be provided for local residents, to report any noise disturbances.
- 30) Display prominent notices at exits requesting patrons to leave quietly.
- 31) Staff who leave after opening hours, will conduct themselves in a manner to avoid disturbance.
- 32) Commercial deliveries and collection of waste will be restricted to normal working hours.
- 33) Regular inspections of outside area for litter, will be conducted by staff to clear litter.
- 34) External lighting will be turned off, after the premises has closed.
- 35) Strict challenge 25 policy will be operated.
- 36) Log Book will be kept.
- 37) Customers will be asked not to stand outside, loudly talking.
- 38) Customers will not be permitted to the premises, outside opening hours.
- 39) Signage will be displayed to encourage customers to leave quietly.
- 40) A rubbish bin will be placed at the entrance of the building and customers encouraged to use it. Staff will ensure the front of the premises and the immediate vicinity are litter free and clean.

### **The protection of children from harm**

- 41) A Challenge 25 policy will be implemented and log book kept. Acceptable forms of ID are a passport, photocard driving licenses and PASS accredited ID.
- 42) A log book/refusals will be kept on the premises at all times, including proxy sales.
- 43) Admittance to children will only be permitted if they are accompanied by an adult.
- 44) Proxy sale posters will be displayed at premises.
- 45) No adverts or promotions for alcohol to appeal to young persons.



- 46) Staff will be trained about the Challenge 25 policy, and restricting access to children.