

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Monday 7 June 2021 at 9.30 am**

### **Present:**

**Councillor D Brown (Chair)**

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

Councillors J Blakey, L Brown and D Stoker

### **Also Present:**

C Hazell (Council's Solicitor)

H Johnson (Licensing Team Leader)

R Todd (Derwentside Hospice Care Foundation)

P Jackson (Chairman of the Board of Trustees at Willow Burn Hospice)

### **1 Apologies for Absence**

There were no apologies for absence.

### **2 Substitute Members**

There were no substitute Members in attendance.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Minutes**

The minutes of the meetings held on 1 and 23 March 2021 were agreed as a correct record and signed by the Chair.

### **5 Application for the Grant of a Premises Licence - Willow Burn Hospice, Howden Bank, Lanchester**

The Chair welcomed everyone to the meeting and introductions were made.

The Chair then explained that only three Members would be deliberating the application.

The Council's Solicitor explained why only three Members deliberated the application and ran through the procedure for the meeting.

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application for the grant of a premises licence for Willow Burn Hospice, Howden Bank, Lanchester (for copy of report, see file of minutes).

A copy of the application and location plan had been circulated together with details of the representations received.

Additional information received from 'Other Persons' and a revised location plan showing the proximity of the residents' homes to the hospice had also been circulated to all parties prior to the meeting.

The Licensing Team Leader was in attendance to present the report and outlined the recommendations contained in the report.

In response to a question, the Licensing Team Leader clarified that Ms Henderson, an objector, had been in touch and asked what an event actually is and that she would not object to alcohol being sold at weekends.

The Applicant was invited to address the Sub-Committee and Mr Jackson, Chairman of Willowburn Hospice explained that a hospice was a special place for people with palliative care needs who were very ill. Their aim and objectives were always to care for their patients and their families and put those people first.

The Application for a premises licence was to allow a more social environment in their new café. The events would be for raffles and fund raising and they would be done discretely and quietly so as not to upset any of the families or patients.

Ms Todd, Marketing and Communications Manager then addressed the Sub-Committee and stated that the hospice had been serving the population of Derwentside for over 30 years, caring for people at end of life and were a special place at the heart of the community. They provided in patient care but also day services and family bereavement and were a valued place in the community.

The hospice costs £1.2 million per year to fund their services and the hospice only received 40% of that from government. The hospice needed to raise funds and over the years they had been really humbled by the support they

had been shown by the community who had donated, volunteered, fundraised and so much more. It was, however, their responsibility to ensure that they were sustainable and were exploring a number of opportunities to develop income streams and engage with the community and give something back to the community.

Willowburn Hospice had recently undergone redevelopment and a brand new facility was opened in 2018, that was designed to establish the hospice as a community hub. People were welcomed and encouraged to access their services and as part of this they aimed to break down the barriers and the misconceptions of what hospice care was and promote living well with illness and help people make the most out of their lives and enjoy the time they have and the time they have with their families.

The key to this was the facilities that the hospice had and the opportunities they gave them to develop within the scope of their mission. Willows café was one of the facilities that they were gifted as part of the new build of the hospice and was an extension of the café they previously had in their old day care centre that provided a central hub for patients, their families and the community to meet. The café also helped the charity to be more sustainable and to generate an income without relying so heavily on donations from the community, who do not see a return.

The Premises Licence would allow them to develop the income stream as it would allow them to offer more choice to customers and an enhanced experience. They would offer afternoon teas where they might be able to offer prosecco or an alcoholic beverage with a meal. If a patient wanted to hold a wedding celebration the licence would allow this. The social occasions would not be disrespectful to patients, their families or neighbours.

In submitting their application, they had listened to feedback from residents and responsible authorities and had amended the original application accordingly. They had worked really hard to have good relations with their neighbours and were excited by the new housing estate as they had been on their own for some time and were pleased to be part of that community. They had offered the use of their garden during the pandemic and invited the community to the café and delivered Christmas cards and tried to bring them into their community. They were thankful for the support they had received from their neighbours; however, they were disappointed and saddened that these objections questioned their duty of care and integrity. They did not intend to hold beer festivals they were just talking afternoon teas and events that would be enjoyable for their patients and their families. They did not intend to hold large events and their patients came first and their families and they did not want to cause any disruption or hurt to anyone.

Councillor L Brown asked how close the licensed area would be to residents and if the garden was secure. She suggested that if residents were worried about noise could plant screening be installed as well as fences.

In response, Ms Todd confirmed that the newest house was approximately 100 yards from the front of the hospice but the garden that would be used for events was to the rear of the hospice. She indicated that recently, one of the houses was having works done to it with a radio playing outside and this radio could be heard at the front of the hospice but not at the back of the hospice. No events would be hosted at the front of the hospice.

Ms Todd indicated that the hospice had a great volunteering garden team and if they could assist by installing plant screening, they would be more than happy to do this.

Councillor Blakey sought clarification if the alcohol licence was for all year.

Ms Todd confirmed that the café would have a small selection of alcohol on offer, but they did not have the storage facilities to stock large quantities of alcohol.

In response to a question from Councillor Stoker, Ms Todd confirmed that they had spoken to their neighbours regularly, in particular those who had made representations on the application. They had also spoken to residents who wanted to find out more before they made representations and were satisfied with what the hospice were doing. She thought that residents were concerned about the possibility of the hospice not being there anymore and the licence staying with the property, they had been at the premises for over 30 years and had invested millions of pounds in a new building and were there to stay.

In response to a question from the Chair, Mr Jackson confirmed that the hospice was almost 35 years old and had been in the same location. It was part of the Maiden Law Hospital complex that closed around 30 years ago and the site had recently been developed into a housing estate. Customers to the café had commented on how tranquil the area was.

Ms Todd then confirmed that the total capacity of the café was 30 people inside and 20 people outside, but this was currently reduced due to the pandemic.

The café was not the hospice's main source of income, but they wanted to use it early evening and at weekends to allow people to use it and also extend their reach into the community.

The Chair asked what type of outdoor events they proposed hold on the 12 occasions.

Ms Todd responded that the majority of the outdoor events would be the likes of a Christmas fayre, sales and events for children. With regard to live music, they would like to get a singer to entertain people who would be having afternoon tea in the garden. Ms Todd advised that the Beer festival that had been mentioned was to be held at Lanchester Cricket Club and they would not be holding it at the hospice site. This would not be feasible at the site and they did not have a large events team and partnered up with other venues events team.

The Council's Solicitor referred to the yellow area shown on the circulated plan and sought clarification on this area. Mr Jackson confirmed that it was the lowest part of the garden and was the furthest away from any residential dwellings. The area was remote that was flat with seating and was sheltered by the building so any noise would be limited.

Ms Todd referred to the 20 seats outside the café that would also be utilised during any events.

Following a further question from the Council's Solicitor, Ms Todd confirmed that the hospice had 30 parking spaces with additional disabled parking spaces to the front of the building. Previous events had been invitation only or ticketed to allow them to ensure that there were sufficient parking spaces. With regard to litter, events would usually be tied to the café and they had volunteers and staff to clear up any litter.

All parties were invited to sum up.

The Licensing Team Leader had nothing further to add and reminded members of the options that were contained in the report.

Mr Todd confirmed that the application was to expand their services in a modest way and to make it more sociable with small numbers and groups and was nothing to be alarmed about.

The Chair thanked everyone for their attendance and at 10.10 am the Sub-Committee Resolved to retire in private to deliberate the application.

Councillors D Brown, Blakey and Stoker retired to make the decision.

In reaching their decision the Sub-Committee had taken into account the report of the Licensing Team Leader and the written and verbal representations of the Applicant and the written representations of Responsible Authorities and 'Other Persons'. Members had also considered

Durham County Council's Statement of Licensing Policy and Guidance issued Under Section 182 of the Licensing Act 2003.

**Resolved:** That the application be granted subject to the conditions that are consistent with the operating schedule and those that had been mediated with Durham Constabulary and Environmental Health. One further condition was added to require the Applicant to notify the Licensing Authority before events are to be held.

Licensable Activity	Days and Hours
Supply of alcohol (consumption on and off the premises)	<p>Monday-Wednesday 09:00-21:00 hours</p> <p>Thursday-Saturday 09:00-22:00 hours</p> <p>Sunday – 09:00-21:00 hours</p> <p>Alcohol sales prior to 11:00 hours to be off sales only in sealed containers</p>
Live music (indoors and outdoors)	<p>Monday-Sunday (including New Year's Eve) 10:00-21:00 hours</p> <p>Maximum of 15 total events per year (indoors or outdoors)</p> <p>No more than 12 outdoor events in any calendar year and no events are to occur on consecutive 24 hour days.</p>
Recorded music (indoors)	<p>Monday-Sunday (including New Year's Eve) 08:00-23:00 hours</p>
Recorded music (outdoors)	<p>Monday-Sunday (including New Year's Eve) 08:00- 21:00 hours</p> <p>Maximum of 15 total events per year (indoor or outdoor)</p> <p>No more than 12 outdoor events in any calendar year and no events are to occur on consecutive 24 hour days.</p>
Open to the public	Monday-Sunday – 00:00-00:00 hours

The follow conditions are to be included in the licence:

### **The Prevention of Crime and Disorder**

- The premises shall maintain an incident book which shall detail any incidents that may occur on the premises and any action taken. This shall be made available to the police and authorised officers of the Local Authority upon request.
- A CCTV system will be installed and in operation at all times the premises are being used for licensable activity. It must be operated by properly trained staff and cover all areas where alcohol has been sold.
- CCTV recordings will be retained for a minimum of 28 days.
- The premises License Holder is to undertake right to work checks on all staff who are employed at the licensed premises in a paid or unpaid capacity. A copy of any documents checked as part of the right to work check are to be retained at the licensed premises. These documents will be made available to officers and responsible authorities when requested.
- A full risk assessment must be completed prior to all events and made available to the police or authorised officers of the council on request.

### **Protection of children from harm:**

- The premises shall operate the Challenge 25 Scheme. As part of such a scheme a register of refusal shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.
- Children under the age of 18 will not be allowed entry to or remain in the bar areas after 2100 hours.

### **Prevention of public nuisance:**

- No waste, including empty bottles, shall be placed in outdoor waste receptacles between 2200 hours and 0800 hours on any 24 hour day.
- The Licence Holder is to notify the Licensing Authority when events are to take place, at least 10 working days before an event.