

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Monday 14 June 2021 at 1.30 pm**

Present:

Councillor J Blakey (Chair)

Members of the Committee:

Councillors C Hampson, I McLean and R Potts

Also Present:

Helen Johnson – Licensing Team Leader
Sarah Grigor – Legal Adviser, DCC
Paul Clarke – Legal Representative – Durham Constabulary
Sgt Caroline Dickenson
PC Iain Robertson
Michael O'Connor – Applicant
Colonel Tony Laker - Supporter

1 Apologies for Absence

An apology for absence was received from Councillor D Stoker.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Bar 1828, 70 Church Street, Seaham

Consideration was given to the report of the Licensing Team Leader regarding an application for the grant of a Premises Licence in respect of Bar 1828, 70 Church Street, Seaham.

A copy of the application and supporting documentation had been circulated to all parties, together with additional information from Durham Constabulary.

The Licensing Team Leader presented the report and provided an update in relation to the planning permission which was granted on 7 June 2021 with a number of conditions, including conditions relating to the opening hours of the premises which should not be open outside the hours of 9am until 11pm on any day of the week except New Years Eve and a condition by Environmental Health that there shall be no playing of any music in the rear yard or use of the first floor as a bar until a scheme of sound-proofing measures had been submitted to and proved by the Local Planning Authority.

Mr Paul Clarke, the Police representative began by stating that the last 18 months had been horrendous for small businesses, and the Police wanted to support such businesses as they added to the vibrancy of a community. They were deeply concerned of the impact this licence would have on the four licensing objectives and the local community. The building was an unoccupied former retail premises on a pedestrianised street which was a mix of residential and business premises. Much regeneration had taken place in the area to develop the town and seafront as an attractive place for families and tourism. Bar 1828 was a vertical drinking establishment and was not in-keeping with that. When the Licensing Act 2003 was introduced it was with a view to licensed premises becoming more continental or family-orientated. There was no regard to families or tourism in this application, ie the focus of the regeneration. There were already a number of pubs within the town and on Church Street itself. Another licensed premise of this type would tip the balance in favour of the night-time economy and adult day-time drinking with the inherent issues that caused.

In terms of linking the application to the four licensing objectives, firstly the prevention of crime and disorder, Seaham already had issues of anti-social behaviour. If this licence was granted the risk of crime and disorder would increase. Since 1 January 2020 there had been 152 incidents reported in the Church Street area. 32 related to anti-social behaviour, 7 for public order and 13 assaults. This was considerable especially given the various lockdowns there had been.

With regard to public safety, the premise was very small, this was a main pedestrian street in Seaham, and the risk of members of the public and tourists coming into direct contact with intoxicated people could not be ignored.

In terms of public nuisance, pubs were noisy, especially those that were not family-orientated and yet another pub would increase the number of intoxicated people in the early hours and increase the associated noise

nuisance for local residents. That area of the town was already affected by large groups gathering and the associated nuisance those groups caused.

Regarding the licensing objective protection of children from harm, this being a very small premise, there was a real risk of children at least hearing bad language and encountering intoxicated people while out with their families.

The proposed Premises Licence Holder Mr O'Connor had been involved in a joint venture with Flanders Bar which on the easing of lockdown had contributed to a large amount of public disorder and nuisance in the vicinity. The unrestrained off-sales had resulted in the cordoning off of the Tommy statue due to the misbehaviour of intoxicated people. When approached by the Police Mr O'Connor had been un-co-operative, unlike other premises who recognised the problems this had caused and took appropriate action.

To conclude Mr Clarke reiterated that the Police wanted to support local businesses which contributed to the vibrancy of the community. The Police had tried to mediate with Mr O'Connor regarding the nature of the proposed business but he had been un-co-operative.

All parties were invited to ask questions, and Mr O'Connor stated that the reference to Flanders was new to him.

Mr Laker addressed the Sub-Committee in support of Mr O'Connor. He said that he had first met Mr O'Connor, a veteran, some years ago when he was a serving Commander. The Tommy statue has become a mecca for veterans and Mr O'Connor had been involved with veteran's charities for some time now. The whole idea of this bar was to entice veterans along, and there had already been interest from various charities asking if they could meet at the premises. It was not purely a drinking bar, it was very much for the community. If the application was granted he was aware of at least three groups who wanted to meet there.

Mr O'Connor stated that he had nothing further to add.

Questions were invited of all parties.

The Licensing Team Leader asked what the premises was currently used for. Mr O'Connor stated that it was a fancy-dress shop which became vacant during the pandemic.

Following a further question from the Licensing Officer regarding his involvement with Flanders, Mr O'Connor advised that he was the Licence Holder and in the process of winding up the partnership. What the Police had stated was news to him as well as the reference that he was reluctant to co-

operate. He asked if the reference to Flanders by the Police related to the cordoning of the Tommy statue.

This was confirmed by the Police and Sgt Dickenson outlined the incident. She stated that Inspector Jones and PC Robertson had visited the premises on 2 June 2020 at 18.35hrs and spoke with the DPS and PLH, there were no other employees on site at the time. They discussed the off-sales arrangements. The alcohol displayed did not appear excessive and there were used plastic glasses behind the counter. They had confirmed that lager was sold in the plastic glasses and they also sold food from the kitchen and other items. They were aware of the gatherings opposite and had tried to uphold the licensing objectives but conceded that it was difficult to manage issues such as proxy sales. They had witnessed poor behaviour opposite and had called their local Councillor. Their business had only opened three days before the lockdown.

A further visit was carried out by PC Robertson following a number of complaints from the public regarding off-sales of alcohol in plastic glasses and which had resulted in anti-social behaviour and litter. This had prompted the visit to Flanders and two other premises. They did not take responsibility for what was happening as a consequence of their off-sales. The Police did try to work with all the premises that had ignored what was occurring opposite. The Licensing Officer added that the Town Council had as a result decided to cordon off the statue to prevent people using it to sit and consume alcohol.

Mr O'Connor stated that he and his business partner had contacted the Police and the Councillor requesting their attendance, and they shut the premises at 3.00pm that day.

Sgt Dickenson noted that Mr Laker had explained the nature of the business as being community orientated, yet Mr O'Connor had described it as something different, referring to it as a traditional pub downstairs and a sports bar on the first floor. Mr O'Connor explained that a local community of over 65's had requested to use the premises. The advice from the Licensing Authority had been to include any activities they may want in future.

Sarah Grigor, Legal Adviser noted that planning permission had been granted for the hours 9am to 11pm, and asked Mr O'Connor if he would be prepared to revise his application in line with that. Mr O'Connor stated that he was happy to revise the hours during the week but would like the extra hour at weekends.

All parties were invited to sum up.

Sgt Dickenson stated that although Mr O'Connor was prepared to reduce the hours during the week, she was concerned that he wanted to extend the hours at weekends. This would be a breach of the planning permission which was a concern. The Police had objected to the planning application too. Seaham was trying to encourage businesses which would contribute to the regeneration of the area. The Neighbourhood Inspector had said that adding another bar in the area was not advised, and would likely have an impact on crime and disorder in an already busy area. The Police could not support this application.

Mr O'Connor concluded that he would be happy with 11pm at weekends too, as it was all about working with the community and authorities.

The Chair thanked everyone for their attendance and at 14.15pm **Resolved** to retire in private to deliberate the application. Councillors J Blakey, C Hampson and R Potts 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 supporter, and the written and verbal representations of the Police. 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 Premises Licence be granted as requested:

Licensable Activity	Days and Hours
Supply of Alcohol (consumption on the premises)	Monday to Thursday: 11.00 to 23.00hrs Friday and Saturday: 11.00 until 00.30hrs Sunday: 11.00 to 23.00hrs New Year's Eve: 11.00 to 00.30hrs
Live Music (Indoors)	Monday to Sunday: 19.00 to 23.00hrs Bank Holiday: 14.00 to 23.00hrs New Year's Eve: 19.00 to 23.00hrs
Recorded Music (Indoors)	Monday to Thursday 11.00 to 23.00hrs Friday and Saturday: 11.00 to 00.30 hrs

	Sunday 11.00 to 00.30 hrs New Year's Eve: 11.00 to 00.30 hrs
Open to the public	Monday to Thursday: 11.00 to 23.00hrs Friday and Saturday: 11.00 to 00.30 hrs Sunday: 11.00 to 23.00hrs New Year's Eve: 11.00 to 01.00hrs

Signed by Councillor
(Chair of the Sub-Committee held on 31 August 2021)