

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 3 October 2023 at 1.30 pm**

### **Present:**

**Councillor D Brown (Chair)**

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

Councillors R Adcock-Forster and I McLean

### **Apologies:**

Apologies for absence were received from Councillors C Hunt

### **Also Present:**

H Johnson – Licensing Team Leader

S Buston - Lawyer (Litigation)

M Anslow – Nuisance Action Team Leader (Applicant)

M Priest – Premises Licence Holder (The Ranch Meat House)

G Bulmer – Premises Licence Holder (The Barn)

### **1 Apologies for Absence**

Apologies were received for Councillor C Hunt.

### **2 Substitute Members**

There were no substitutions made.

### **3 Declarations of Interest**

There were no declarations of interest made.

### **4 Minutes of the Meeting**

The minutes of the last meeting held on 18 July 2023 were confirmed as a correct record and signed by the Chair.

## **5 Application for the Review of a Premises Licence - The Ranch Meat House, Stockton Road, Seaham, SR7 0HP and The Barn, Stockton Road, Seaham, SR7 0H**

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

It was agreed by all parties before the hearing commenced that the two items on the agenda - the review for the premises licence for The Ranch Meat House and the review for the premises licence for The Barn both of Stockton Road, Seaham would be considered together as one hearing as both premises were on the same site and ran as a single business. The Ranch Meat House being the main public house and The Barn the adjacent function room.

The Committee considered two reports of the Corporate Director of Neighbourhoods and Climate Change regarding the applications for the review of the Premises Licences for The Ranch Meat House, Stockton Road, Seaham, SR7 0HP and The Barn, Stockton Road, Seaham, SR7 0H (for copy of report, see file of minutes).

The Licensing Team Leader informed the Committee that the application to review the premises licences for both the Ranch Meat House and the Barn had been received by Durham County Councils Environmental Health Team (Responsible Authority under the Licensing Act).

A location plan and street view of both premises had been included in the application. The Committee were notified that the Ranch Meat House was able to play recorded music indoors and outside the premises and the Barn only inside. The application was subject to a 28 day consultation that ended on 6 September 2023. During that period the application had received no representation in support.

The Licensing Team Leader noted that additional information had been received from the applicant about noise levels from music events that were held in the car park at the rear of both premises following complaints from neighbouring residents. Both premises licence holders were made aware of the complaints. Responses were received from Durham Public Health, the Fire Safety Authority, Durham Constabulary, Home Office Immigration Enforcement and Durham Safeguarding Children Partnership, and all confirming they had no comments to make regarding the application. The options available to Members were detailed in the report along with an additional option to remove the exemption for music from the licence to regulate music going forward.

There were no questions in response to the Licensing Team Leaders presentation.

M Anslow, Nuisance Action Team Leader (applicant) addressed the Sub-Committee stating that he had applied for a review of both premises licences in order to request the removal of the exemption to play recorded music both inside and outside for the Ranch and inside for the Barn.

The Nuisance Action Team Leader explained that since 2021 music events had been held in the car park at the rear of both properties that was 20 metres away from residential properties. During these events 28 complaints had been received regarding the noise levels. He noted that upon investigation the noise levels had been monitored at the last two events and they had been found to be in excess of the code of practice. There had been four events that had played live dance music from 2pm until 9pm. Although the events were not frequent or held within unsociable hours the impact was significant with noise levels that measured double the allowed volume. There were elderly people's bungalows in the vicinity that had been affected and the premises holders of both properties had not considered to exclude the prevention of a public nuisance.

Councillor D Brown requested clarification as to when and how the complaints were received.

The Nuisance Action Team Leader responded that the complaints had been received via the online system and by telephone. He mentioned that in 2021 there had been a significant number of complaints after the first event. Complaints were then received in advance of the second event once it had been advertised. He stated that an event had been held just before the review had been applied for and the following two events had been attended by DCC to monitor the noise levels.

S Buston asked if the monitoring results had been the same that had exceeded expected noise levels.

The Nuisance Action Team Leader confirmed that the levels were higher than what was allowed.

Councillor D Brown asked if the complaints received were from the same person.

The Nuisance Action Team Leader replied that the complaints were not from the same person. DCC did not accept anonymous complaints. Each year there was a cross over and range of people in the community that had complained. At the last event there had been seven complaints.

Councillor D Brown queried if both premises licence holders had been contacted following receipt of the complaints.

The Nuisance Action Team Leader confirmed that following receipt of the complaints he had spoken to Mr Bulmer to make him aware and provided advice on how to reduce the noise levels. This communication had taken place prior to an event and then repeated prior to the recent event that had taken place.

Councillor D Brown questioned how far the noise levels would have travelled during the events.

The Nuisance Action Team Leader replied that most of the noise would have impacted residents in the immediate proximity of both premises and approximately two streets away. He explained that low frequency noise could travel considerable distance. He noted that there were two venues in the area that played music that frequently got blamed for the others noise levels.

The Nuisance Action Team Leader responded to Councillor Brown's query relating to Seaham Town Council's opening hours that he was unaware if the officers were open on a weekend to receive complaints. He did acknowledge that people tended to go direct to DCC for noise issues after googling how to make noise complaints. He added that DCC's online tool was simple and easy to use.

Councillor D Brown asked what noise had been monitored and what levels had been recorded.

The Nuisance Action Team Leader stated that the last two events had been monitored with quantitative measurements recorded at ten decibels that equated to twice the noise level that was acceptable.

S Buston queried if other remedies had been considered to abate the noise.

The Nuisance Action Team Leader had discussed options with the Premises Licence Holders in line with the Live Music Act 2012 but that had not abated the issue so he had resorted in the application to review the premises licences for both properties.

Mr Bulmer addressed the Sub-Committee stating that the events were not frequent and he had tried his best to ensure the noise levels were kept to a minimum. They were well policed with security staff to prevent any trouble. The first event had started small with a band of lads for them to make a little money. The event had proved popular and the noise had been louder than anticipated. He had purposefully started the events early at 2pm and finished them early around 8.30pm. The Police were never involved.

Mr Bulmer stated that he had carried out routine walks round the car park to check the noise was not too loud and he had asked for it to be turned down if he had thought it was too bad. He had not planned any further events as the last event had been a flop and the novelty had worn off. He had a regular singer who sang outside while people ate and he had never received any complaints.

The Licensing Team Leader asked if the licence for the Ranch Meat House and the Barn were tied together when holding events.

Mr Priest explained that when holding events they tried to incorporate both sides of the business. Additional facilities and toilets were available when events were held and the events were well staffed.

Councillor I McLean asked how many people attended the event and if they were charged.

Mr Bulmer replied that there had been 200 at one event but only 70 at the last event. He explained that the band organised the events and charged entry for people to attend and was a step up from playing in their bedrooms. He mentioned that Seaham Town Council had approached the band to play at the local carnival.

Councillor I McLean asked if there had been any trouble at any of the events.

Mr Bulmer responded that there had been no major trouble at any of the events. He stated that there may have been one or two arguments but no violence as there was security employed. He added that it appeared that most people in attendance seemed to know each other from face book and the events had gone well with some people attending in fancy dress.

Councillor I McLean enquired about the half pint measures that were sold at the events.

The Licensing Team Leader explained that it was a mandatory condition to offer smaller measures of alcohol.

Mr Bulmer confirmed that beverages at the events held in the car park were sold in plastic glasses for safety.

Councillor D Brown asked what the rapport was like with the local residents following the pandemic.

Mr Bulmer thought that he got on well with the local residents and waved to people on the streets. Residents of the nearby bungalows were often in the bar for drinks on a regular basis.

Mr Priest reiterated that local families frequented the restaurant for meals. He stressed that they did not want to upset anyone with the events.

Mr Bulmer mentioned that the premises was a former old miners pub and he had run the Barn for six and a half years and had not received any complaints until recently.

Councillor D Brown queried if it was the same music providers at each event.

Mr Bulmer responded that it had been the same band that had played at the events.

Councillor D Brown asked that if they knew the music had been too loud at previous events if the band been asked to turn the music down and queried what systems they had in place to facilitate the issue.

Mr Bulmer answered equipment was tested for noise levels the night before an event. The events were only held outside until 8.30pm then brought inside. It if was felt the music was still loud once inside all the windows and doors were closed to reduce the levels.

Upon all parties being asked to sum up only the Nuisance Action Team Leader added that in general there was no issue on how the Ranch Meat House or the Barn operated there were only concerns with the noise levels at the events that had been organised.

At 2.07pm The Committee consisting of Councillor D Brown, Councillor R Adcock-Forster and I McLean **Resolved** to retire to deliberate the application in private. After re-convening at 2.33pm the Chair delivered the Sub-Committees decision.

In reaching their decision the Sub-Committee considered the two reports of the Corporate Director of Neighbourhoods and Climate Change, verbal and written representations from the Applicant, the two Premises Licence Holders and responses from the responsible authorities listed in the report. Members also considered Durham County Councils Statement of Licensing Policy and the Revised Guidance issued under Section 182 of the Licensing Act 2003.

**Resolved:**

That pursuant to Section 177A of the Licensing Act 2003, all music should be regulated entertainment.

That the Ranch Meat House premises licence should be amended to exclude Recorded Music Outdoors.

That for the avoidance of doubt, all entertainment, at both premises, both indoors and outdoors, was now to be classified as regulated and all previously attached conditions shall apply.