

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 1A, County Hall, Durham on **Tuesday 28 November 2023 at 9.30 am**

Present:

Councillor L Mavin (Chair)

Members of the Committee:

Councillors J Blakey and J Griffiths

Also Present:

H Johnson – Licensing Team Leader

S Grigor - Lawyer (Litigation)

J Hayes – Principal Environment Protection Officer

Mr T Haley – Premises Licence Holder

Mr R Taylor – Gosschalk Solicitors (Representing the licence holder)

Councillor S Walker – The City of Durham Parish Council

1 Apologies for Absence

Apologies were received from Councillor C Bihari.

2 Substitute Members

There were no substitutes.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meetings that were held on 14 September 2023 and 17 October 2023 were agreed as a correct record and signed by the Chair.

5 Application for the Review of a Premises Licence - Ye Old Elm Tree, 12 Crossgate, Durham DH1 4PS

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application to review the premises license in respect of Ye Old Elm Tree, 12 Crossgate, Durham, DH1 4PS (for copy see file of minutes).

The Licensing Team Leader updated the Sub-Committee that the review of the application had been submitted by the City of Durham Parish Council on 2 October 2023 for a public nuisance that included noise disturbance, loss of privacy and anti-social behaviour to nearby residents due to the erection of a substantial external terrace to the rear of the premises that acted as a beer garden. This was supported by Durham County Council's Environmental Health Team (Responsibly Authority). She explained that following this review mediation had taken place between the City of Durham Town Council, Durham County Councils Environmental Health Team, Mr T Haley and Mr R Taylor who were all in agreement with the recommendations on the minor variations that had been put forward and the conditions that would be attached to the licence. Unfortunately there was no provision in the Licensing Act 2003 that allowed for a review to be withdrawn therefore the hearing still had to proceed. The minor variation application was granted on 27 November 2023 which added numerous conditions to the operating schedule of the premises licence however, one of the conditions needed slight amendments which Members were asked to agree.

Mr Taylor referred the Sub-Committee to page 141 of the report and highlighted that there were three bullet points that stated the conditions that had been placed on the submitted minor variation to the licence. He noted that the wording on the third bullet point had now changed as it was outdated. It now should read 'With the exception of times referred to within section 4 of the Noise Impact Assessment that the following shall be followed at all times when the premises are open to the public'. He confirmed that all parties agreed to the conditions set out on pages 144 and 145 of the report but there was a slight amendment to condition 5.5 that should read 'The premises licence holder should adhere to the Noise Impact Assessment and the Noise Management Plan that was agreed in writing by the Environmental Protection Team, in relation to the outdoor seating area'.

Councillor L Mavin asked all parties if they were happy with the proposed new minor changes to which everyone agreed.

At 9.39am the Sub-Committee consisting of Councillor L Mavin, Councillor J Blakey and Councillor J Griffith resolved to retire to deliberate the application in private. After re-convening at 9.45am the Chair delivered the Sub-Committee's decision.

In reaching their decision the Sub-Committee had considered the report of the Corporate Director of Neighbourhoods and Climate Change and the update provided by the Licensing Team Leader on the mediation process. Members also considered Durham County Council's statement of Licensing Policy and the Revised Guidance issued under Section 182 of the Licensing Act 2003.

Resolved:

That they agreed to the proposed minor amendments in the conditions placed on the licence.